

CONTEMPORARY FOREIGN GOVERNMENTS

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FOREWORD

Early in 1940 seven nations were by common acceptance classed as great powers. Out of the ruins of World War II only three powers—the United States, Soviet Russia, and the British Commonwealth of Nations—have emerged with their great power ratings still valid. A fourth, France, suffered so heavily as to raise doubts about her ability to return at any foreseeable time to the status she once enjoyed in international affairs. As for the former Axis states, it is difficult to visualize either the time or degree of their restoration to a position of major significance in world diplomacy. Execution of the Potsdam and earlier agreements will go further and deeper than the extraction of the Axis states' military claws. The resultant damage to their economic resources and their future economic development should for many years to come hold them to the level of third-rate (or lower) national entities, regardless of the nature and duration of the victors' exercise of active control over the defeated powers' actions.

A second type of casualty chargeable to the war was the League of Nations contribution to political stability and international collaboration. The war, in that sense, dates back to the day in 1931 when Japan's launching of her Manchurian adventure revealed the League's inability to solve a major international crisis. What little political stability has been seen at the international level since 1931 occurred in the war years from 1942 to 1945, when necessity compelled the members of each of the two opposing alliances to pool their respective resources and scrap their separate differences. The termination of the fighting released the powerful disruptive forces which had been held in abeyance, throwing them into conflict with constructive efforts aimed at a world organization for stabilized peace. By the end of 1945 world affairs were once more in a highly fluid state. The same condition prevailed within the separate states, particularly those which had suffered most heavily from the war. The exceptions among foreign

governments were the Soviet Union and the British Commonwealth of Nations.

The description of national political institutions under the conditions outlined above runs the danger of being out of date before it can reach the printed page. It is likewise open to criticism on the grounds that the accurate appraisal of facts and the sound analysis of trends is impossible at so short a range in time. On the other hand, once due allowance has been made for such shortcomings, the survey of the immediate and recent political picture serves a sound purpose in bringing the student face to face with problems only less grave than those which would have resulted from an Axis victory. If, in addition, he can examine the pattern of development which brought each national political picture to its present status, the student is left in fair case to evaluate both the long- and short-range trends. Moreover, such study is not only desirable but a prerequisite for a proper examination of the confused international scene as a whole, and in particular the effort to achieve lasting peace and security through global collaboration.

This text represents an effort to present in condensed form a survey of the political institutions of those foreign powers which until recently were classed as major powers. For obvious reasons, the title of the previous edition has been changed from *Governments of the Major Foreign Powers* to the present one, *Contemporary Foreign Governments*. Scope and coverage have been limited to the time made available to the cadets of the United States Military Academy by their curriculum. The relative emphasis given to recent and current political developments is necessitated by the fact that the graduates of the Military Academy must anticipate going on foreign service soon after they have been commissioned. The nature of their service is likewise responsible for the attention given to the power factor in politics, one which has too long been ignored in standard texts in the field of foreign governments.

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For pedagogical reasons it was decided to omit footnotes giving specific credit for material used or quoted. However, all secondary sources of factual material have been listed in the bibliography.

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UNITED STATES MILITARY ACADEMY

West Point, N. Y.

November 23, 1945

CONTENTS

	PAGE
FOREWORD	v
ACKNOWLEDGMENTS	vii
✓ THE GOVERNMENT OF GREAT BRITAIN	3
<i>Background and Structure of the British Government</i>	3
The Evolution of the British Government. Terms Descriptive of the British Government. Organization of British Government.	
✓ <i>The British Constitution</i>	5
Nature of the Constitution. Constitutional Law and Conventions. Amending the British Constitution. Constitutional Theory and Prac- tice. Principles of British Government.	
<i>Executive Organization</i>	9
The King. The Crown. The Prime Minister. The Ministry. The Privy Council and the Cabinet. The Cabinet. Executive War Powers. The War Cabinet. Civil Service.	
<i>Legislative Organization</i>	21
Relationship between the Executive and the Legislature. The House of Lords. The House of Commons. The Lawmaking Process. Elec- tion to the House of Commons. Suffrage.	
✓ <i>Political Parties</i>	27
The Relationship of Parties to the British Government. British Party Organization. British Parties. The Party Truce in Wartime. The Election of July, 1945.	
<i>Judicial Organization</i>	31
Diversity of Court Organization. Judicial Committee of the Privy Council. ✓ The House of Lords. The Supreme Court of Judicature. Civil Cases. Criminal Cases. Judges. Court Procedure. English Law.	
<i>Local Government</i>	35
Central Control of Local Government. Historic Counties. Adminis- trative Counties. County Boroughs.	
<i>Civil Rights</i>	38
Individual Rights.	

	PAGE
<i>The British Empire-Commonwealth</i>	38
Imperial Relationships. The United Kingdom of Great Britain and Northern Ireland. Eire. Self-governing Dominions. India. Colonies and Other Dependencies.	
<i>Armed Forces</i>	44
Imperial Defense. The British High Command. British Army. Conscription. British Navy. British Air Forces. United States Forces in the British Isles.	
<i>Foreign Policy</i>	47
Britain after Versailles. Britain and Collective Security. The Failure of British Postwar Policies. Appeasement. World War II. The Course of the War. The End of Lend-Lease. The United Nations Organization. Britain's Policy for World Settlement.	
THE GOVERNMENT OF FRANCE	56
<i>France in Transition</i>	56
Current Status of the French Government.	
THE THIRD FRENCH REPUBLIC, 1871-1940	
<i>Background of the Third French Republic</i>	57
The Succession of Modern French Governments. The Establishment of a Third Republic.	
<i>The "Constitution" of 1875</i>	58
The Nature of the Constitution. The Constitutional Structure of Government.	
<i>Legislative Organization</i>	59
National Assembly. The Chamber of Deputies. Suffrage. The Senate. The Enactment of Law. Legislative Power of Inquiry. The Dominance of the Chamber of Deputies.	
<i>Political Parties and Groups</i>	63
Existence of Numerous Political Groups. Absence of Party Discipline. Political Coalitions. French Political Parties. Political Organizations.	
<i>Executive Organization</i>	65
President of the Republic. The Council of Ministers or Cabinet. The Responsibility of the Cabinet. The Civil Service.	
<i>Judicial Organization</i>	68
Legal Basis of Courts and Judgeships. The Dual System of Courts. Ordinary Courts. Administrative Courts. Court Procedure. Codes of Law.	
<i>Local Government</i>	70
Continuity in Local Government. Centralization.	
<i>Civil Rights</i>	71
Freedom of the Individual Citizen.	

	PAGE
<i>The French Empire</i>	71
Acquisition of Territories. French Colonial Government.	
<i>Armed Forces</i>	73
High Command. Army. Navy. Air Force.	
<i>Foreign Affairs</i>	74
The Struggle for Security. Conciliatory Years, 1926-1933. Prelude to War, 1933-1939. War Years, 1939-1940.	
<i>The Defeat of France</i>	78
War Decrees. War Cabinets. French Defeat. The Armistice.	
THE VICHY GOVERNMENT, 1940-1944	
<i>The Establishment of the Vichy Regime</i>	80
The End of the Third Republic. The Constitutional Acts. Zones of Control.	
<i>The Structure of the Vichy Government</i>	82
Changes in the Vichy Leadership. Executive Organization. Legislative Organization. Judicial Organization.	
<i>Political Groups</i>	85
Parliamentary Parties. Political Formations.	
<i>Local Government</i>	85
Departments and Communes. Regions.	
<i>Vichy's Armed Forces</i>	86
Army. Police and Auxiliaries. Navy.	
<i>Repressive Measures</i>	87
Repression of Civil Rights.	
<i>The End of the Vichy Regime</i>	87
Flight of the Vichy Government. The Vichy Government-in-Exile.	
PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC, 1943—	
<i>French Anti-Axis Movements, June 18, 1940-June 3, 1943</i>	89
The French National Committee. Allied Invasion of North Africa.	
<i>The French Committee of National Liberation (FCNL), June 3, 1943-June 2, 1944</i>	91
Structure of the FCNL. The Provisional Consultative Assembly. Policies of General de Gaulle. The Purge of Collaborationists. Foreign Policy.	
<i>Establishment of the Provisional Government of the French Republic (GPRF)</i>	93
The Problem of International Recognition. Transitional Status of the GPRF.	
<i>The Structure of the Provisional Government</i>	95
Executive Organization. Legislative Organization. Judicial Organization.	

	PAGE
<i>Political Parties and Groups</i>	97
Resistance Groups. Political Parties.	
<i>Local Government</i>	99
Departments and Communes. Regions.	
<i>The French Empire</i>	100
Control of the Empire.	
<i>Armed Forces of the Provisional Government</i>	100
High Command. Army. Navy. Air Force.	
<i>Foreign Affairs of the Provisional Government</i>	102
Restoration of Status as a Major Power. Search for Security. The Quest for an International Power Position.	
THE GOVERNMENT OF ITALY	105
<i>Italy in Transition</i>	105
The Importance of the Present Analysis.	
<i>Historical Background of the Italian Government</i>	105
Unification of Italy. The Parliamentary Government of Italy, 1870-1922.	
THE FASCIST GOVERNMENT, 1922-1943	
<i>The Early Fascist Party</i>	108
Origin of Fascism. Benito Mussolini.	
<i>Italian Fascist Doctrine</i>	110
Opportunism. The Supremacy of the State. The Leadership Principle. Hierarchy. Nationalism. Imperialism. Negation of Individualism. Totalitarianism. Force. Austerity. Exploitation of the Past.	
<i>The Constitutional Basis of the Government</i>	113
The Constitutionality of Fascism. The Constitution. Legal Codes.	
<i>Executive Organization</i>	114
The Monarchy. The Head of the Government. The Grand Council of Fascism. The Cabinet. Civil Service.	
<i>Legislative Organization</i>	117
The Senate. The Chamber of Fasces and Corporations. Suffrage.	
<i>Judicial Organization</i>	119
Judicial Officials. The Court of Cassation. Courts of Appeal. Courts of Assize. Tribunals. Magistrate Courts. Conciliation Courts. The Special Tribunal for the Defense of the State. Special Courts.	
<i>Fascist Party Organization</i>	122
National Party Structure. Auxiliary Groups. The Relationship of the Fascist Party to the Nation.	
<i>The Fascist Corporate State</i>	124
Origin of a Controlled Italian Economy. Organization of the Corporate State. The Influence of the Corporative Economic System.	

	PAGE
<i>Local Government</i>	126
Centralization of Local Government. Communes. Provinces.	
<i>Civil Rights</i>	128
Fascism and the Church. Political and Intellectual Activities.	
<i>Armed Forces</i>	128
Army. Navy. Air Force.	
<i>The Italian Empire</i>	129
Acquisition of Territories. Colonial Government.	
<i>Foreign Policy</i>	129
1922-1925. 1935-1940. Italy's Entry into World War II. The Collapse of the Mussolini Regime.	

ROYAL ITALIAN GOVERNMENT, 1943—

<i>The Badoglio Regime</i>	131
Creation of the Regime, July, 1943. "Defascistization" of the Italian Government. The Italian Armistice. Italy's War with Germany. Royal Power: The Institutional Question. Progress of the War. Diplomatic Relations. The Italian Advisory Council. The Council of Foreign Ministers.	
<i>Allied Military Government (AMG)</i>	139
United Nations Agencies for Governing Italy. Aims of AMG. Organization. Allied Commission for Italy (AC). Coordination of AMG/AC in Italy.	
<i>The Bonomi Regime</i>	142
The First Bonomi Government, June, 1944-November, 1944. The Second Bonomi Government. Conclusion of the War.	
<i>The Parri Cabinet</i>	144
Party Policies on a National Basis.	
<i>Problems of Italian Government</i>	145
Domestic Problems. Foreign Problems.	

THE ITALIAN SOCIAL REPUBLIC, 1943-1945

<i>The Puppet Regime of Northern Italy</i>	149
The Characteristics of the Regime. Executive Agencies. Other Governmental Agencies. International Relations. End of the Regime.	
THE GOVERNMENT OF GERMANY	152
<i>Germany in Transition</i>	152
Interim Status of Political Institutions.	
<i>Background of German Government</i>	153
The Hohenzollern Empire. The Versailles Treaty. The Weimar Constitution.	
<i>Developments under the Weimar Republic</i>	156
Parties and Plots. Inflation. Socialist Program. Foreign Relations. Causes of the Downfall of the Weimar Republic.	

	PAGE
<i>The Rise of National Socialism</i>	159
Adolf Hitler. The Program of the National Socialist Party. Creation of a Totalitarian State.	
<i>National Socialist Doctrine</i>	162
National Socialist Ideology. The "Folk." Racial Superiority. The Leadership Principle. The Party. The Totalitarian State. Imperialism. Militarism. Opportunism. Irrationality in National Socialism.	
<i>The Government of the Third Reich</i>	165
Absence of Constitutional Law. The Leader (<i>Der Führer</i>). The Ministerial Council for Defense of the Reich. The Cabinet. The Ministry of Propaganda and Public Enlightenment. The Political Police. The Reichstag. Electoral Procedure and Suffrage. Civil Service. Courts and the Law. Civil Rights.	
<i>Local Government</i>	173
Centralization in Local Government. Towns. Villages and Rural Counties. Cities and City Counties. Districts. Provinces and States. Party Districts and Reich Districts.	
<i>The National Socialist Party (NSDAP)</i>	176
Membership. Legal Position of the Party. The High Command of the Party. The Party Congress. Territorial Party Structure. Functional Party Structure. The Storm Troopers (SA). The Elite Guards (SS). The Party and the Army. Hitler Youth. Party Discipline.	
<i>Armed Forces</i>	181
High Command. Army. Navy. Air Force. Dissolution of the German Armed Forces.	
<i>Foreign Policy</i>	183
1933-1937. 1938-1939. World War II. Allied Invasion of Europe. German Government of Occupied Europe.	
<i>Allied Occupation of Germany</i>	188
Military Defeat and Surrender. Zones of Allied Occupation. Allied Control Council.	
THE GOVERNMENT OF THE U.S.S.R.	194
<i>Historical Background of the Soviet Union</i>	194
The Tradition of Autocratic Government. The Backwardness of Russia. The Early Revolutionaries. March Revolution of 1917. November Revolution of 1917.	
<i>Marxian Socialism</i>	197
Theoretical Basis of the Soviet Government. Historical Economic Determinism and Class Struggle. A Classless Society. International Revolution against National States.	
<i>Communism in the Soviet Union</i>	199
From Lenin to Stalin. Justification of a Strong National State. Economic Distinctions. Individual Property Interests. Historical Nationalism. Revolutionary Moderation.	

	PAGE
<i>Soviet Constitution</i>	202
Early Constitutions. The Constitution of 1936. Constitutional Rights and Duties. Soviet Law.	
<i>The Federal Structure of the U.S.S.R.</i>	206
The Division of Power. Predominant Position of the R.S.F.S.R. Local Administrative Areas.	
<i>The All-Union Communist Party of the Bolsheviks</i>	209
The Position of the Party in the Soviet Union. Nature of the Party. Party Discipline. Party Membership. Duties and Rights of Party Members. Party Organization of the Localities. Party Organization of the Soviet Union. The Political Bureau and Other Central Agencies. All-Union Conference. Youth Organizations. Power of the Party. The Third International. Joseph Stalin.	
<i>The Government of the U.S.S.R.</i>	219
The Supreme Soviet of the U.S.S.R. The Presidium. The Council of People's Commissars of the U.S.S.R. The All-Union People's Commissariats and the Constituent Republic People's Commissariats of the U.S.S.R. The All-Union People's Commissariat for Internal Affairs. The State Planning Commission. The All-Union People's Commission for State Control. Elections and Suffrage.	
<i>Governments of Constituent Republics and Local Subdivisions</i>	226
Constituent Republics. Local Subdivisions.	
<i>Judicial Organization</i>	228
Origins of the Judicial System. The System of Courts. Supreme Court of the U.S.S.R. Legal Officers of the State. Principles of Judicial Procedure.	
<i>Armed Forces</i>	230
The Development of the Red Army. The High Command. The Red Army. Communism and the Armed Forces. The Red Air Force. The Red Fleet.	
<i>Foreign Policy</i>	235
Elements of Consistency and Variation in Policy. Revolution and Counterrevolution, 1917-1921. The Quest for Security, 1921-1934. The "Popular Front," 1934-1938. The Soviet-German Pact, 1939-1941. The War with Germany, 1941-1945. The Current Russian International Position.	
✓ <i>THE GOVERNMENT OF JAPAN</i>	245
<i>Japan in Transition</i>	245
Temporary Character of Current Political Institutions.	
<i>Background of Japanese Government</i>	245
Western Political Influences in Japan. Early Tribal Government. Chinese Institutions. Feudalism in Japan. The Shogunate. The Tokugawa Shogunate (1603-1868). Decline of the Shogunate. Western Penetration of Japan and the Restoration of the Emperor.	

	PAGE
<i>Japanese Political Philosophy</i>	255
A Basis of Comparison. Regimentation of the Individual. Inequality among Men. Alliance of Government and Religion. Superiority of Rulers to Law. Patriarchy in Government. Influence of Japanese Political Ideas. Western Political Ideas in Japan.	
<i>Transition to Constitutional Government, 1867-1889</i> *	259
Early Government of the Restored Emperor. Abolition of Japanese Feudalism, 1871. Origin of Constitutional Government.	
<i>The Constitution of 1889</i>	261
Basis of Japanese Constitutional Government. The Nature of the Constitution. Constitutional Amendment.	
<i>Evolution of Constitutional Government</i>	262
Early Trends in Japanese Constitutional Government. Political Parties in Power. The Rise of the Militarists. Foreign Control of Japan.	
<i>Executive Organization</i>	265
The Imperial Dynasty. The Divine Emperor. Political Powers of the Emperor. The Imperial Family Council. The Imperial Household Ministry. The <i>Genro</i> or Council of Elder Statesmen. The Privy Council. The Imperial Conference. The Premier. The Cabinet. Ministry of Greater East Asia Affairs. Ministry of Munitions. Other Cabinet Agencies. The Civil Service.	
<i>Legislative Organization</i>	273
The Imperial Diet. The House of Peers. The House of Representatives. The Lawmaking Process. Suffrage.	
<i>Judicial Organization</i>	276
Western Influence on the Judiciary. Ordinary Courts. Administrative Courts. Codes of Law and Judicial Interpretation. Legal Professions. Judicial Procedure.	
<i>Civil Rights</i>	280
Control of Public Expression.	
<i>Armed Forces</i>	280
Allied Control of Japanese Armed Forces. The Emperor. The Board of Field Marshals and Fleet Admirals. Supreme War Council. Imperial General Headquarters. Army and Navy Administration. The Fighting Services and the Secret Societies. Conscription. Military Training. Civilian Volunteer Corps.	
<i>Local Government</i>	284
Prefectures and Municipalities. Regional Administrative Districts.	
<i>Government of the Japanese Occupied Territories</i>	287
Japanese Agencies of Control. Manchukuo. Occupied China.	
<i>The "New Structure" of Government</i>	288
Dissolution of Political Parties. The Imperial Rule Assistance Association (IRAA).	
<i>Foreign Policy</i>	291
Territorial Expansion. Relations with Foreign Powers.	

	PAGE
<i>Allied Government of Japan</i>	298
Military Occupation of Japan.	
TOWARD WORLD SECURITY	300
<i>Global vs. National Security</i>	300
The Conflict between the Two Concepts.	
<i>Early Ideas of International Cooperation</i>	301
First Steps; the Ancients. Medieval and Early Modern Efforts. Penn's State of Europe. Kant's Federal Republic. The Holy Alliance. Bentham's and Ladd's Peace Plans. Cooperation among National States.	
<i>Moves toward World Peace</i>	304
The Hague Conferences.	
<i>Regional Collaboration; The Pan American Union</i>	304
Early Efforts to Organize. Pan American Conferences.	
<i>Allied Cooperation, 1914-1918</i>	306
Attention to International Problems. Economic and Military Cooperation.	
<i>The League of Nations</i>	307
The United States and the League. Structure of the League. The International Labor Organization (ILO). The Permanent Court of International Justice.	
<i>The Kellogg-Briand Pact</i>	310
A Pledge to Outlaw War.	
<i>War and Peace in the Thirties</i>	310
High Tide of the World Peace Movement. International Financial Relief. Limitation of Naval Armaments. Limitation of All Armaments. Efforts to Curb Japanese Aggression. The Lytton Report. Italian Aggression in Ethiopia. The Spanish Civil War. Germany Comes to the Fore. Disaster as a Basis for Collaboration. United Nations Collaboration. The Coordination of the United Nations Strategy. The Drive for a Stabilized World.	
<i>The United Nations Organization</i>	320
Elements in the United Nations Organization. The General Assembly. The Security Council. The Economic and Social Council. The Trusteeship Council. The International Court of Justice. The Secretariat. The Military Staff Committee. Scope of UNO's Powers.	
<i>Collaboration on Economic Problems</i>	325
The Fields of Investigation. UNRRA. United Nations Conference on Food and Agriculture. The Bretton Woods International Monetary Proposals. The International Monetary Fund. The International Bank for Reconstruction and Development. Administration. The International Civil Aviation Organization.	
<i>The Atomic Bomb; Stabilizer or Destroyer</i>	330
BIBLIOGRAPHY	333
INDEX	350

LIST OF ILLUSTRATIONS

	PAGE
The British Empire-Commonwealth, 1946	<i>front end paper</i>
Historic Counties of the United Kingdom (<i>map</i>)	7
The Government of Great Britain (<i>chart</i>)	14
British House of Commons	<i>facing page</i> 22
Courts of England and Wales (<i>chart</i>)	33
Local Government in Great Britain (<i>chart</i>)	37
National Government of France, Third Republic (<i>chart</i>)	66
Courts under the Third Republic (<i>chart</i>)	69
Vichy Government (<i>chart</i>)	84
France, Regional Administration under Vichy Regime (<i>map</i>)	88
French Provisional Consultative Assembly	<i>facing page</i> 92
Italy (<i>map</i>)	111
Organization of the Italian Government (<i>chart</i>)	116
Courts of Fascist Italy (<i>chart</i>)	121
Organization of the Fascist Corporate State (<i>chart</i>)	125
Italian Consultative Assembly	<i>facing page</i> 146
German Reichstag	<i>facing page</i> 160
Government of the Third Reich (<i>chart</i>)	170
Relation of Reich and Local Governments (<i>chart</i>)	175
Europe, July, 1943 (<i>map</i>)	185
Germany: Zones of Occupation (<i>map</i>)	189
The Union of Soviet Socialist Republics (<i>map</i>)	208

	PAGE
Organization of the All-Union Communist Party of the Bolsheviks (<i>chart</i>)	215
Supreme Soviet of the U.S.S.R.	<i>facing page</i> 220
Government of the U.S.S.R. (<i>chart</i>)	224
Governments of the Constituent Republics (S.S.R.) (<i>chart</i>)	227
Relationship of the Communist Party to the Government of the U.S.S.R. (<i>chart</i>)	231
Japanese House of Peers	<i>facing page</i> 274
Judicial Organization of Japan (<i>chart</i>)	278
Government of Japan (<i>chart</i>)	282
Pacific Area and Far East: The War with Japan (<i>map</i>)	292
The Colonial Empire of France, 1946	<i>back end paper</i>

LIST OF DOCUMENTS

	PAGE
Victory Message of King George VI, August 15, 1945	51
The First Two Constitutional Acts of the Vichy Government	81
Declaration Regarding Italy, Issued at Moscow, November 1, 1943	134
The German Enabling Act of March 24, 1933	166
Final Act of German Military Surrender, May 8, 1945	191
Basic Rights and Obligations of Citizens of the U.S.S.R. as Stated in the Constitution of 1936	204
The Teheran Declaration	241
The Japanese Imperial Rescript Declaring War on the United States of America and the British Empire, December 8, 1941	253
The Japanese Imperial Rescript of August 14, 1945, Announcing the Ac- ceptance of the Potsdam Declaration	296
The Atlantic Charter, August 14, 1941	317
Declaration by United Nations, January 1, 1942	324

CONTEMPORARY
FOREIGN GOVERNMENTS

THE GOVERNMENT OF GREAT BRITAIN

BACKGROUND AND STRUCTURE OF THE BRITISH GOVERNMENT

The Evolution of the British Government.—The government of Great Britain is not the result of any single, logical plan. It is the product of centuries of evolution during which the British people have generally displayed their native antipathy for sudden change and their regard for the political traditions of the past. Therefore, a constitutional basis of democratic government under a limited monarchy grew out of customary political procedures, traditional institutions, and changes in governmental structure which answered the needs of succeeding generations. It was not—to repeat—the product of deliberate invention, resulting from a theory. In their ability to adopt working compromises without violence and to adapt old forms and institutions to new needs, the British people have demonstrated their particular genius for self-government. Most of the basic principles of government have grown from compromises or political expedients which met a timely need in the past. The principle of government by a “responsible Ministry,” for example, arose in part from the historical accident that Kings of the House of Hanover were for two generations little interested in English government. For decades while these Kings were inarticulate or unable to maintain their royal prerogatives, the King’s ministers gradually became responsible to the representative legislature, called the Parliament, and hence to the electorate, as the Parliament became more representative of the people. This evolution of a responsible Ministry is typical of the form and functioning of a government which was not planned but grew, and which consequently lacks that clear definition to be found in countries where written constitutions rather than custom, precedent, and legislation have been the major forces in molding the governing structure.

Terms Descriptive of the British Government.—The United Kingdom of Great Britain and Northern Ireland is a nation comprising the territories

commonly known as England, Scotland, Wales, and Northern Ireland. It is the heart of the British Empire-Commonwealth, which in turn is a conglomeration of separate geographical and political units linked to the mother country by relationships varying from rigid bonds of control by military governors to those mere intangibles of common history, race, and interests, which form the chief links with the self-governing dominions. Normally the following distinctions in terms are made: Great Britain refers to England, Scotland, and Wales; the United Kingdom refers to Great Britain and Northern Ireland; the British Empire refers to the colonies, protectorates, and other possessions under the governance of the United Kingdom; and the British Commonwealth of Nations refers to the United Kingdom and the self-governing British dominions. Nevertheless, there is a looseness in the use of these terms and their derivatives. The expression British Empire is often used to include the dominions as well as the colonies. A more exact term which also has this inclusive meaning is the expression British Empire-Commonwealth. The single word Britain normally refers to Great Britain, but often it implies Great Britain supported—as it usually is—by the whole British Empire-Commonwealth.

Organization of British Government.—The United Kingdom of Great Britain and Northern Ireland is a unitary, parliamentary democracy with the form of a limited monarchy. Its principal organs of government are a central legislature, an executive responsible to that legislature, a judiciary, and popularly elected local authorities in town and county areas. Parliament, the national legislature, consists of two houses: the House of Commons, a body elected by universal adult suffrage, and the House of Lords, a nonelective body of very limited powers. The House of Commons is without question the more important body.

The titular head of the state is the King, who is the representative of his dynasty. The actual executive head of the government is a Prime Minister controlling a Cabinet of ministers who administer the principal departments and an additional number of ministers who supervise less important departments. The Prime Minister, the Cabinet, and the remaining ministers are known collectively as the Ministry. The ministers are constitutionally required to be members of Parliament. The Ministry is collectively responsible through the House of Commons to the sovereign electorate for its policies and the administration of the government. The British courts, whose judges are appointed by the executive for life, administer justice under the law but lack any power of veto over parliamentary enactments.

THE BRITISH CONSTITUTION

Nature of the Constitution.—Even though there is no single document which can be called a British constitution, a constitutional basis of government does exist, and it is strictly adhered to in practice. What is called "The British Constitution" is a series of charters, petitions, and laws which have been formulated in England during the past thousand years, plus principles of governing, judicial decisions, customary methods of administration, political practices, traditional prejudices, and all of the accepted usages of British government which have come into being. The various enactments of the King and of Parliament which have not been repealed are a part of this constitution. Some of their enactments of particular importance, such as the Magna Carta of 1215, the Petition of Right of 1628, the Bill of Rights of 1689, and the Parliament Act of 1911 are fundamental laws and therefore have come to be considered prominent parts of the constitution. Some of the rules of British government are to be found in the more ordinary enactments of Parliament, some have been established by decisions of the courts, while others do not have the force of law at all but are simply usages which are always followed. Yet, all of these things contribute to the constitutional practices of the nation. It may be said of them that they are like individual stones which, when pieced together, form a constitutional mosaic.

Most modern national states have created unified codes of constitutional law, such as the Constitution of the United States, for example. Usually such codes are considered superior to other legislative enactments. Yet, in Britain, no serious attempt has been made since the seventeenth century to correlate and consolidate the country's fundamental laws and procedures into a single document.

Constitutional Law and Conventions.—In pursuing the question of the nature of the British constitution one step further, the constitution can be arbitrarily divided into two elements: (1) the law of the constitution and (2) its conventions or customs. The law of the constitution consists of those acts and other instruments which the courts will recognize and enforce; the conventions of the constitution are those elements which are not enforceable in the courts. Most of the law of the constitution is written, but not all of it. The law includes four principal elements: (1) There are certain historic documents, like the Magna Carta, which have been agreed to in times of crisis. (2) There are parliamentary statutes defining the powers of the Crown, regulating suffrage, guaranteeing civil rights, and creating governmental machinery, such as the Act of Settlement of 1701, the Habeas Corpus

Act of 1679, and the Municipal Corporations Act of 1835. (3) Judicial decisions fixing the meaning of charters and statutes are enforceable by the courts and hence a part of the law of the constitution. It should be noted that in making decisions British courts do not review and invalidate statutes. They merely define and apply them. (4) The principles of English common or customary law are also a part of the law of the constitution. This body of law is based on usage and has never been enacted by Parliament. Nevertheless, it is fully accepted and enforced as law. It includes the right to trial by jury in criminal cases and the right of freedom of speech. Common law is not statutory law, and it appears in writing only when it is embodied in decisions, reports, commentaries, and legal opinions.

The conventions of the constitution relate to matters of utmost importance even though they cannot be enforced in courts. If they were enforceable, they would become law, not conventions. Consisting of understandings, habits, or practices which are based upon political morality rather than law, they are decisive influences on every level of governmental functioning. Without being written into law they are generally known and taken for granted. It is only by convention, for example, that Parliament is convoked at least once a year, that the Speaker of the House of Commons takes no part in partisan politics, or that only the "law members" attend when the House of Lords is sitting as a court. These and many other usages are a part of the very fabric of the government. They have originated because they were found at some time in the past to have been useful. They have become customary as their usefulness has continued. They have become inviolable and constitutional because they are now a part of British political morality.

Amending the British Constitution.—The basic rule of the British constitution can be said to be that there is no legal limit to the power of the British Parliament. This means that any act which is passed by both Houses of Parliament and assented to by the King is absolutely binding upon the courts. No act of Parliament can be held by the courts to be unconstitutional.

Thus it follows that the constitution can be changed as easily as, say, the laws of inheritance. A simple majority in both Houses can change the entire constitution. Because of this and also because of the nature of the British constitution, any parliamentary enactment automatically becomes a part of the law of the constitution. If the Parliament sets aside or revises earlier enactments, the constitution is amended to that extent.

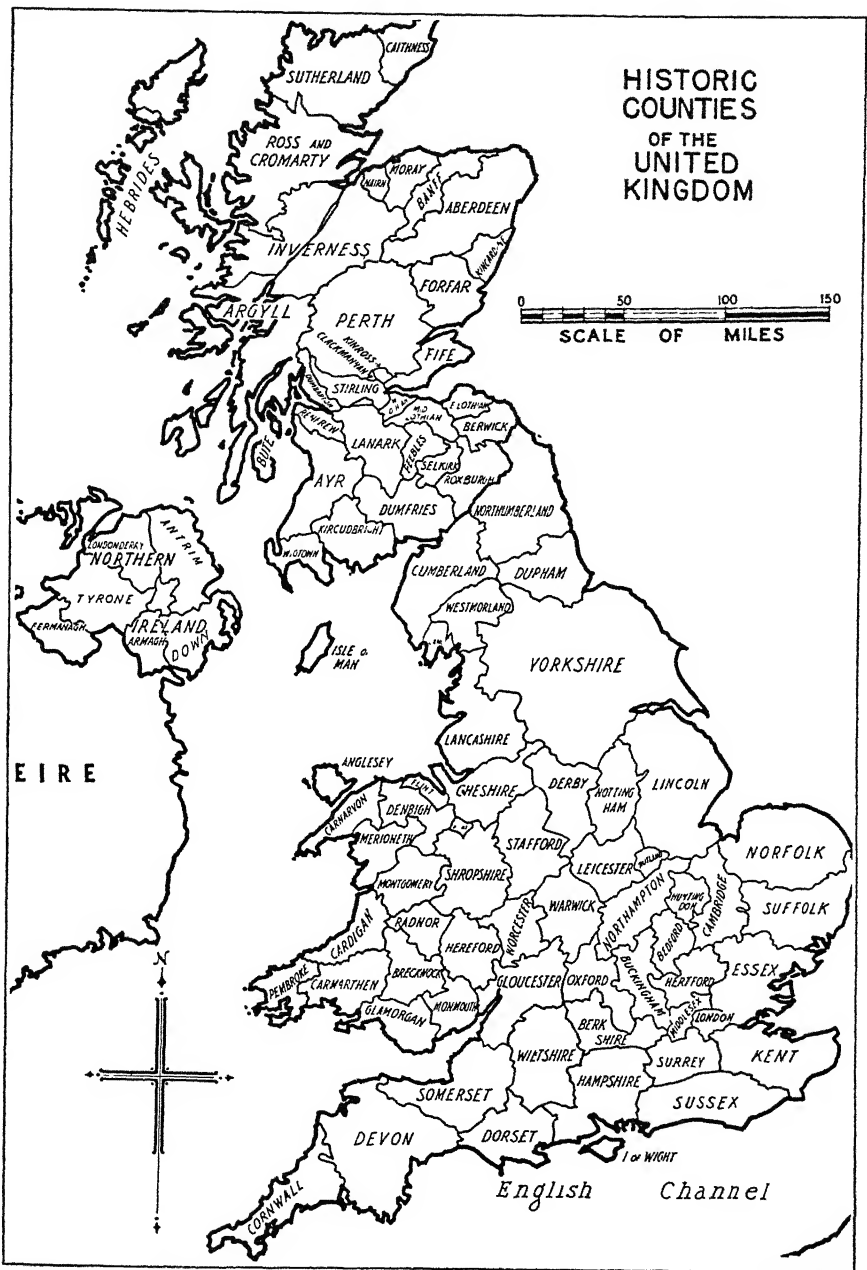
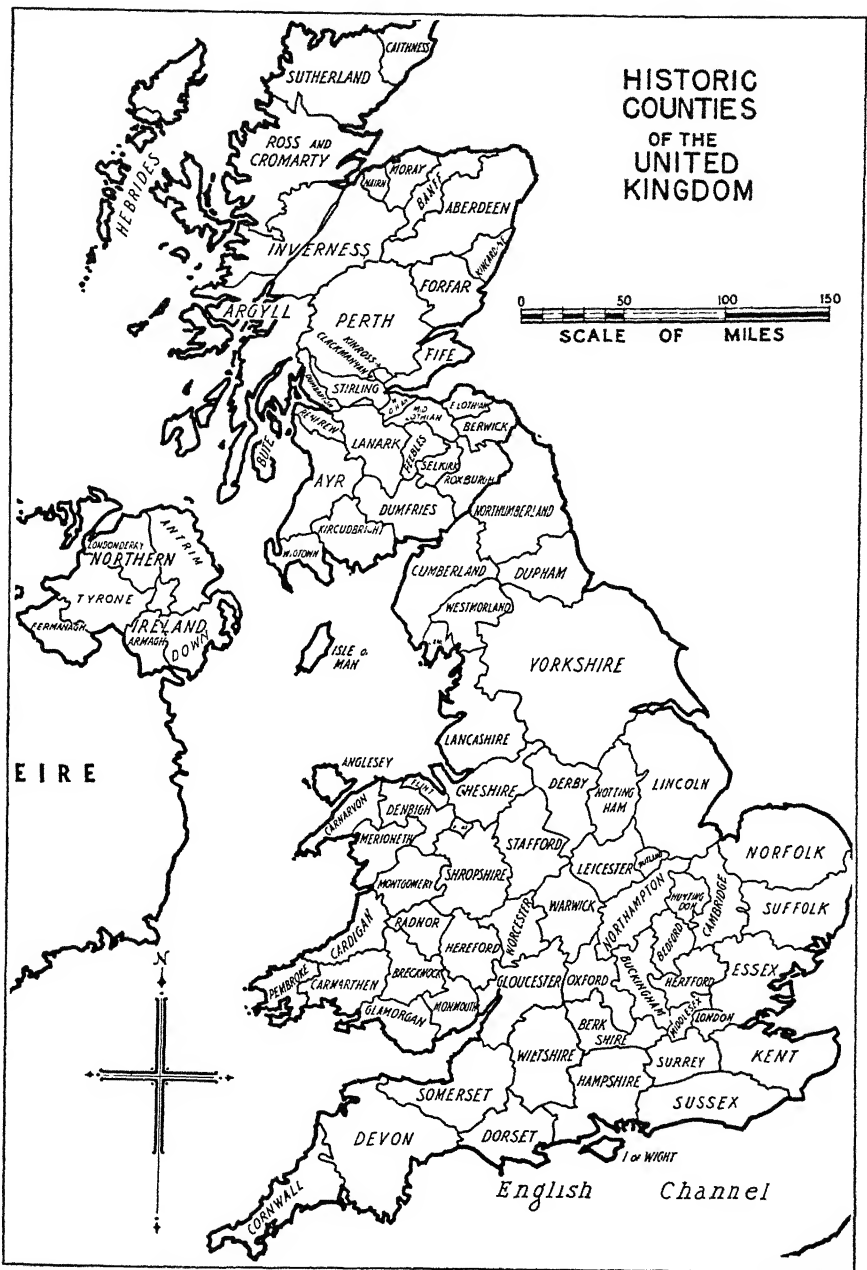
This does not mean that since such things as the kingship, jury trial, and private property are at the mercy of the Parliament, they are in danger

**HISTORIC COUNTIES
OF THE
UNITED
KINGDOM**

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SCALE OF MILES

EIRE

English Channel



of being swept away. Members of Parliament, with few exceptions, are respected members of a well-ordered society. They live under the restraint of powerful traditions. Just as conscious of their limitations in effecting changes as though those limitations were written into law, they make a constitutional change only when practical circumstances require it. Nevertheless, almost every Parliament makes some constitutional change. More often than not, however, the statute merely puts into law what has long existed in fact. For example, the Cabinet has existed and functioned in British government since the late seventeenth century even though it was not recognized in law until the Ministers of the Crown Act of 1937 gave it a legal definition.

Because of the long evolutionary development of conventions of the constitution, they are rarely changed. Born of the need of the moment, they mature and achieve relative permanence or wither and die, though slowly, according to the measure of their proven usefulness.

Constitutional Theory and Practice.—Subtle distinctions occur between British constitutional theory and constitutional practice. The best example of these exists in the basic structure of the government. In theory the power of the British government is in the hands of the King. The law is the King's law, the ministers are the King's ministers, the Navy is the Royal Navy, and so on throughout the government. In practice, however, this is sheer legal theory, for the King has no personal control of these elements of government. The people of Great Britain through their representatives in Parliament enact new laws, control ministers, regulate the Navy, and govern Great Britain.

The difference in constitutional theory and practice in the above and in other instances comes from the peculiar way in which the British constitution evolves. Deference to tradition in Great Britain is so habitual that even when the constitution is changed the change is gradual. Normally a modification in a convention precedes a formal change of the basic law on the subject. Even then the change often takes place within the framework of traditional governmental forms. The evolution of British monarchy provides an example of this. Seven centuries ago, England was an absolute monarchy. During the time which has passed since then, the King has been divested of his powers bit by bit until few of them remain. The forms of the old monarchy have been preserved, however, in this gradual evolution, even though the government has become democratic and representative in practice.

Principles of British Government.—The theoretical structure of the British government includes as a first principle the seventeenth-century

concept of the separation of powers. Yet, the appearance of the separation of executive, legislative, and judicial branches of government is greater than the practice. These three branches are referred to as the Crown, the Parliament, and the courts. In its purely administrative capacity, the Crown is less subject to legislative control than the American executive. The Parliament has no legal limitations upon its authority. The courts are surrounded by ample guarantees of independence.

A second British principle is in apparent conflict with the first. It is the ultimate supremacy and legal omnipotence of the Parliament. Parliament can alter any law, change any institution, dismiss any official, or invalidate any judicial decision, but the reason why the principle of separation of powers remains valid in Britain is the willingness of Parliament to delegate executive and judicial powers to the other branches of government.

In the third place, the government of the United Kingdom of Great Britain and Northern Ireland is unitary in form. Local subdivisions of government receive their authority from and are regulated by the central government in London, although they are permitted local discretion.

A fourth principle of British democracy is the guarantee of civil rights. Protection of these individual rights is maintained in two ways, by statute and by common or customary law. Such rights as that of bearing arms, the writ of habeas corpus, immunity from excessive bail, and protection from cruel and unusual punishments are provided for in various great statutes. Other rights, such as freedom of speech and assembly, rest on common law principles.

A fifth principle of British democracy is the "rule of law." This principle means that law rather than arbitrary action is the basis of English policy. Under the rule of law the state can ordinarily take no action except in accordance with law administered by competent authorities. Thus under modern conditions the British government is a monarchy only in form. The King exercises almost no real political powers himself. The government is conducted in his name by representatives of the British people.

Exceptions to all of these principles exist in British constitutional history, since the government of Great Britain is based on a balance of tradition and expediency. However, the fact that these and other British constitutional principles have usually guided British policy is more important than the fact that exceptions occasionally occur.

EXECUTIVE ORGANIZATION

The King.—The British people, while adopting wholeheartedly the principles and institutions of democracy, have at the same time carefully

preserved the ancient political institution of a monarchy. Although the King has been shorn of his former executive powers, he has not been made into a museum piece but remains a very useful and integral part of the government. First, he embodies the unity of the nation, and in that capacity performs a wide range of social and ceremonial functions. Secondly, he plays an essential part in the practical working of the constitution, as will be presently explained. Lastly, he symbolizes the cohesion of the various parts of the British Empire.

The present King of England is King George VI, who succeeded to his office on the abdication of his brother, Edward VIII, on December 10, 1936. The King holds his office as head of the state under the Act of Settlement of 1701, which sets forth the rules of succession to the kingship. These rules of succession are substantially the same as the common law practices concerning the inheritance of land. The Act of Settlement also provides that the King shall be a "faithful Protestant."

The royal family supplies the element of personality in government. This element has a particular appeal for the average individual, who usually feels no great personal regard for elected officials and is often incapable of comprehending the abstraction known as "the state," to which he is supposed to give his allegiance and for which, on occasions, he is supposed to risk his life. The great value of the monarchy to Great Britain lies not in the few remaining political functions of the monarch, but rather in his activities as the ceremonial head of the government. The King is a national institution serving as a tangible symbol of country and empire, commanding a sentiment and patriotic attachment which can be approximately compared to the feeling of the American people for their flag. In serving as a national symbol, which is always a most powerful force in commanding the emotions and allegiance of a people, the King receives the highest loyalties of the British people and personifies the unity of the British Empire.

Although the King exercises no real governing powers today, he has a large number of state functions to perform. He has to give his consent to and have his seal placed upon every measure passed by Parliament before it can become an act, but this consent is automatic. The King's most important constitutional function is to name a Prime Minister, but the person called on is almost always the leader of the party which wins a majority in the elections. Thus the choice is settled by the electorate. If a Prime Minister resigns or dies in office, the King chooses his successor. Even here he makes his choice in accordance with the advice of the leaders of the majority party. Occasionally, in a complex political situation, no automatic choice is available, and the King's personal judgment may have

to be exercised. But as long as the two-party system works in British politics, the decision of the King in "choosing" a Prime Minister remains wholly formal. When serious crises, like those precipitated by both World Wars, demand the temporary suspension of political differences in order to create a common front, a coalition government is called on to conduct the nation's affairs. The selection of a Prime Minister under such conditions demands the assurance of full support by all important political groups represented in Parliament.

The King is also the head of the Army, the Navy, and the Air Force, but here again his office is purely titular. He himself would never issue an order. The King is likewise titular head of the Church of England. Queen Victoria is said on occasion to have expressed strong views on religious matters, but her successors seem to have taken a less active part in problems of the church.

Although the King has a considerable private fortune, Parliament makes him an annual grant called the Civil List. It has been said that the duties of the King are not light and that he more than earns his salary.

Because his office has a life tenure, the King may have a long reign, spanning the terms of office of several Prime Ministers. In such instances, the King may come to have the role of elder statesman and participate in directing public affairs. Although he cannot direct the Prime Minister to do or not to do anything, he may offer him advice. In many instances such influence on the part of the King has changed the course of events.

The people of the self-governing dominions (except Eire) continue to give their allegiance to the King, who in theory rules each dominion as a separate entity. The unity of the dominions and Great Britain is based largely on sentiment and common interests, save for their mutual allegiance to the King, which serves to strengthen these intangible ties. The British Commonwealth of Nations is welded together by an idea, personified in the King.

The Crown.—The King, as a person and as the purely ceremonial head of the state, must be distinguished from his office, which possesses the real executive power of the British government. Whereas the King originally reigned and ruled, today he merely reigns. His powers have been removed from his person. Nevertheless, constitutionally, the King's powers still exist; they are exercised in his name. What has happened is this: the King's real powers have been transferred from his person to his office, which is called the Crown.

The transfer came about by a process of gradual development over a period of several centuries, the history of which includes two revolutions,

a series of conflicts between King and Parliament, and a gradual growth of constitutional conventions which can be summarized in the present constitutional principle that the King has no real power. In order to comprehend the British system of government, one must clearly understand this vital distinction between the King as a person and the Crown which is now the repository of all executive power and is sometimes referred to as an artificial person. The government is still conducted in the name of the King, but the prerogatives and functions of his office and the executive power of the government are exercised partly by the Parliament, but mainly by the ministers, and particularly by the Cabinet. The King who legally possesses all authority is not actually the *personal* King, but the *institutional* King. To make this distinction somewhat clearer, the institutional King is called the Crown.

The Crown, therefore, has become the supreme executive authority of the state. Its powers also include some legislative and judicial functions. The Crown supervises the enforcement of national laws, the collection of national revenues, and the expenditure of national funds. It manages foreign relations and appoints foreign representatives. It possesses treaty-making powers, usually, however, subjecting international agreements to parliamentary approval. In the field of executive control of the British Empire-Commonwealth, the Crown appoints governors-general for the dominions, and administrative agents for colonies.

Technically, all legislative power in Great Britain is vested in the "King in Parliament," which means historically the King acting in conjunction with the Parliament. Every statute declares itself to have been enacted "by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and the Commons," even though the King personally has no legislative function except to have his seal placed upon laws. Some lawmaking powers, therefore, belong to the Crown. The Crown, that is, the King acting on the advice of the Cabinet, has power to summon Parliament, dissolve it, and order new elections to the House of Commons. The Crown recommends legislation at the opening of each parliamentary session.

Orders-in-Council are executive laws issued most often under parliamentary authority by the King-in-Council. The expression King-in-Council means a session of the Privy Council at which the King presides. It has become customary, and therefore constitutional, for the members of the Cabinet to act as Privy Councillors in this instance and to issue collectively Orders-in-Council in the name of the King—which is to say, the Crown.

The Crown's judicial powers are limited to pardons and, in exceptional

cases, the removal of judges. The Crown confers honors and titles. It has large powers of control over the Anglican Church in England, and some power over the Presbyterian Church of Scotland. The Crown administers the armed forces. In time of emergency or war there is practically no limit to the authority which the Crown may be allowed to exercise.

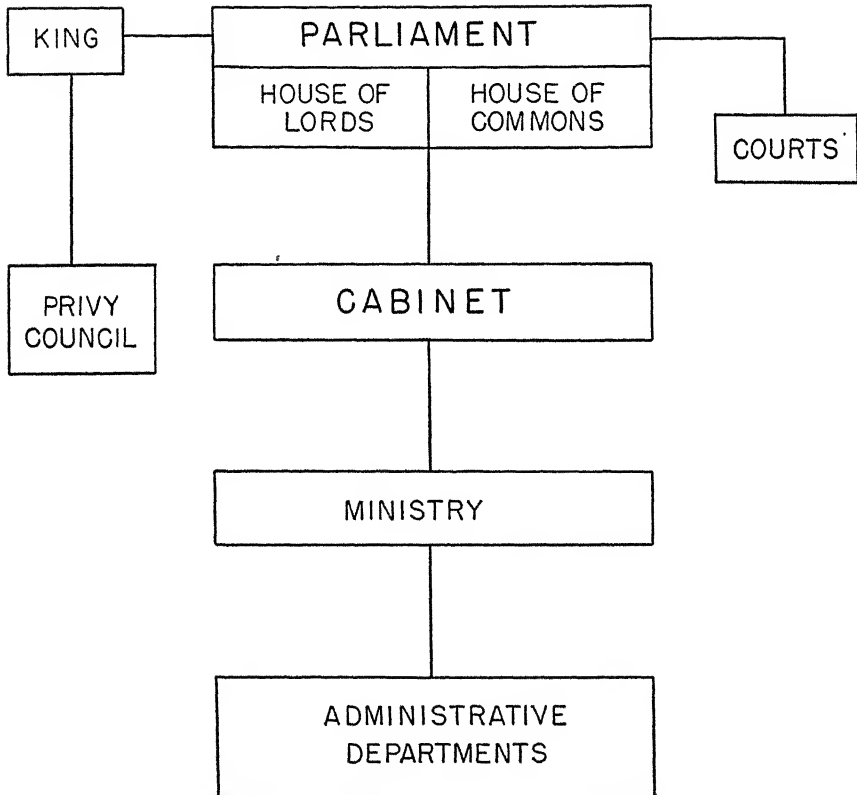
Some of the powers of the Crown are exercised formally by the King in person, but only on the advice of the Prime Minister or the Parliament. The Crown, through the person of the King, delivers a message to Parliament on the first day of each parliamentary session, proposing legislation and policies. The message is written by the Cabinet, which directs most of the actions of the Crown. In certain instances, the courts or administrative agencies exercise a few powers of the Crown.

The Prime Minister.—The Prime Minister is the head of the Cabinet and the real head of the British government. He occupies a key position as the coordinating factor in the government and as the sole link maintaining official relations between the Cabinet (which is the real executive exercising most of the powers of the Crown) and the King. The British adhere rigidly to the fiction that the entire government functions by act of the King on the advice of the Cabinet, even though in reality the conventions of the constitution require the King to act on decisions which the Cabinet and Prime Minister make. In addition to his position within the government, the Prime Minister is an outstanding political figure and is usually the leader of the largest party or coalition of parties in the House of Commons.

An examination of the Prime Minister's position and functions furnishes a valuable insight into the way in which the British government actually works. The Prime Minister, having received the King's formal request to form a new Ministry or government, selects some sixty ministers to administer various departments of the government. From his ministers he selects a smaller group of about twenty who constitute his Cabinet. Thereafter, he may terminate his government at any time by tendering his personal resignation to the King, and he may dismiss ministers or dissolve Parliament and cause a general election by so advising the King. Prime Ministers do not allow this last power to go unused. On various occasions when major issues have arisen they have dissolved Parliament and taken the issue directly to the people by calling for the election of a new Parliament in order to obtain a clear mandate and to avoid prolonged legislative bickering and procrastination detrimental to the interests of the country.

It is a basic convention of the constitution that the whole Ministry must resign whenever the opposition party obtains a majority at an election and consequent control of the House of Commons. Likewise, the Ministry must

GOVERNMENT OF GREAT BRITAIN



either resign or dissolve Parliament and appeal to the electorate when the House of Commons defeats or radically amends one of its major measures, or when the House of Commons passes a vote of censure on, or of "no confidence" in, the Prime Minister and his government. However, a defeat of the government on a measure of little importance may by custom be ignored by the Ministry unless that body chooses to make an issue of the matter.

The Prime Minister exercises considerable control over patronage, appointing the superior judges and the occupants of the higher positions in the Anglican Church, always, of course, through the device of "advising" the King. He makes recommendations to the King for the grants of peerages, other titles, and honors which are made both on New Year's Day and on the King's birthday.

The Prime Minister has a considerable number of duties and prerogatives aside from his general functions as head of the government. He often holds an administrative position as head of one of the governmental departments. It is typical of the British way in government that the office of Prime Minister had no legal status and no pay until a few years ago.¹ It has now received legal recognition through the grant by Parliament of a salary of approximately fifty thousand dollars a year. In addition, the residences at 10 Downing Street and at Chequers Court are perquisites of his office.

The Ministry.—As previously stated, the Prime Minister, on taking office, appoints a new Ministry by selecting men to fill the vacancies created by the resignation of the former Ministry. Constitutional precedent requires that all ministers must be members of the House of Commons or the House of Lords or that they must soon become members. Most of the important ministers are members of the Commons, but a few ministers are selected from the House of Lords so as to represent the government in that House. If a minister is appointed who is not a member of either House, he must become one at the earliest opportunity. This is accomplished either by the minister's entering the House of Lords as a newly created peer or by his standing for election to the House of Commons from the first constituency having a vacant seat. This vacant seat may be provided by the resignation of some loyal, self-effacing Member of Parliament whose constituency is "safe" for the party in power.

Each great administrative department is headed by a minister who, in the case of the main departments, has at least one subordinate minister for

¹ The Prime Minister did, in fact, receive a salary, but not because he was Prime Minister. The salary belonged to the office of First Lord of the Treasury, and every Prime Minister was made First Lord of the Treasury.

his assistant. Several ministerial positions which entail few or no duties exist and are usually given to men whose advice and support are desired but who are unwilling or unable to undertake heavy administrative responsibilities. Similar positions go to those party leaders whose primary function is to control the proceedings of the House of Commons and to keep the majority party together. It is true that the ministers are selected as much for their political influence as for their administrative ability. In general, however, the Englishman in public life possesses a sense of responsibility which prevents him from interfering with the career civil servants in his department unless he actually possesses knowledge sufficient to warrant such interference.

All of the heads of administrative departments and a few other officials are members of the Ministry, which is an inclusive committee. However, all sixty-odd ministers are not of the same rank. Twenty or twenty-five of the ministers are of higher rank and are designated as Cabinet ministers. In peacetime they form the closely knit executive body within the Ministry which is called the Cabinet. During World War II the normal Cabinet was replaced by a "War Cabinet" of an even smaller number of the highest ranking ministers. The size of the War Cabinet varied from five to nine members, each of whom was selected by the Prime Minister to assist him in conducting major war functions and in reaching major decisions. Thus, during the War, there were within the Ministry three grades of ministers, the War Cabinet ministers who controlled all high policy, the Cabinet ministers who headed the more important departments, and the ordinary ministers who acted as heads of minor departments and as undersecretaries.

The Privy Council and the Cabinet.—The Cabinet is an outgrowth of the system of government of many centuries ago when the King exercised the powers of his office on the advice of his Privy Council, a group of selected advisors. By a process of political evolution the Privy Council as a whole lost its advisory power. This power came to be exercised by a small committee of its members, called the Cabinet because the King's most trusted ministers customarily met in his private room or "Cabinet." With the growth of responsible ministerial government the British have preserved the fiction of government by advice of the Privy Council through the expedient of making all Cabinet ministers Privy Councillors.

All Privy Councillors are appointed by the King on the Prime Minister's advice. The Privy Council consists of about three hundred and fifty members including all Cabinet ministers, ex-Cabinet ministers, high church dignitaries, certain judges, and various persons on whom membership has been conferred as a mark of distinction for meritorious services to the

nation. It meets rarely and then only on such ceremonial occasions as coronations. It has certain committees, aside from the Cabinet, which exercise governmental functions. The most important of these is its Judicial Committee, which will be discussed later.

The Cabinet.—The Prime Minister, as has been stated, normally selects from twenty to twenty-five of his ministers to form the executive committee of the Crown known as the Cabinet. Ministers are chosen to be Cabinet members for one or more of the following reasons: political influence, proven experience and ability, and the importance of the administrative departments which they head. Thus, certain offices, such as those of the Chancellor of the Exchequer,² Lord President of the Council, Lord Privy Seal, Lord Chancellor, the First Lord of the Admiralty, and the Secretaries of State for Foreign Affairs, War, Air, the Home Department, India and Burma, the Dominions, the Colonies, and Scotland, are usually recognized as carrying Cabinet rank, while the Postmaster-General, the Solicitor-General, the Ministers of Works, Transport, National Insurance, Pensions, and the various undersecretaries do not become members of the Cabinet. It sometimes happens, as in the present Cabinet, that certain ministers have Cabinet rank but are not members of the Cabinet. They are members of the Ministry who enjoy the prestige of Cabinet rank by reason of their position, but who do not sit in Cabinet meetings.

The Cabinet governs Great Britain and those parts of the British Empire which do not enjoy self-government. It has two major kinds of duties. First, it controls and coordinates executive policy. The Cabinet is collectively responsible to the Parliament, especially to the House of Commons, for the policies of the national administration. Generally speaking, if the action of the entire Cabinet or of a single one of its members is repudiated in Parliament, the whole Cabinet must resign. As a result, all important policy questions are considered by the Cabinet as a whole, and speeches made by one minister are regarded as enunciating the policy of the Cabinet.

The second major duty of the Cabinet is to propose and prepare legislation. In peacetime, 90 per cent, and in wartime, 100 per cent of all legislation is proposed by the Cabinet. In the normal process the Cabinet frames a bill, which is then introduced into Parliament by the appropriate minister. This practice relieves the committees of Parliament of a great deal of the labor of framing and revising new bills. It also makes for consistency in legislative enactments—both between different bills and between proposed legislation and executive policy.

² This official is the finance minister of the kingdom, even though he is technically Second Lord of the Treasury. The Prime Minister usually holds the post of First Lord of the Treasury.

The Cabinet's interest in and responsibility for legislative policy and legislation enable it to exercise strong political leadership in the Parliament, for actually the Cabinet is a legislative as well as an executive institution. It is the central agency around which parliamentary forces revolve. It is the directing committee for a regulating parliamentary procedure and performance. Since the Parliament is the supreme body in the British government, and since the Cabinet has the position of central influence within it, the Cabinet becomes the key political agency of the nation.

In view of this dominant position, it is argued that the Cabinet possesses an unwarranted power over the majority party as a whole since a revolt in the House of Commons on even one important measure may entail the Prime Minister's advising the King to dissolve Parliament and to present the issue to the electorate. Since party support in the election might be withdrawn from the recalcitrant members, and since, in any case, election expenses are a considerable item, the Cabinet may well be able to force a measure through Parliament which would not succeed under a different constitutional organization or under a less completely dominant executive. However, this situation does eliminate the possibility of a political stalemate, such as often occurs between the President of the United States and the Congress. It has the further advantage of making the party in power responsible as a unit to the electorate for both executive and legislative action.

In carrying out its functions, the Cabinet usually meets once a week except in times of grave emergency. Its work is kept to a minimum by direct consultations between ministers heading different departments, by the Cabinet's committee system of dealing with specific categories of Cabinet business, and by the Cabinet Secretariat, which circulates memoranda and other documents useful to the business of the Cabinet and its committees.

Executive War Powers.—When the likelihood of war became apparent in August, 1939, Parliament passed the Emergency Powers (Defense) Act which provided authority for the executive branch of the government to govern Great Britain by administrative order and even permitted the detention of persons at the discretion of the Secretary of State for the Home Department. Further legislation in 1940 instituted compulsory military service for all men between the ages of 18 and 41, and empowered the executive to take control of any person or property in the public interest, thus making possible the conscription of men and women for work in industry. Power was also given to the Crown to establish special courts for the trial of civilians, and the death penalty was authorized for acts of espionage and sabotage. Under these laws the power of the Crown to

legislate by administrative order was limited only by its inability to acquire the ownership of land, to borrow money, or to levy taxes. Many of these emergency powers have remained in operation since the end of World War II and may continue for several years to come because of the need felt by the Labor ministers for extensive government control of trade, industry, and agriculture, especially during the period of reconversion. The requirement that all administrative orders be laid before Parliament gives that body an ultimate veto over executive action, but no administrative orders have received the formal disapproval of Parliament.

The War Cabinet.—The outbreak of World War II was followed by an immediate reorganization of the executive branch of the British government. Ministries of Home Security, Food, Economic Warfare, Shipping, and Information (including censorship) were added to the existing departments.³ The Ministry of Labor was reorganized as the Ministry of Labor and National Service. On September 3, 1939, Neville Chamberlain, the Prime Minister, announced the creation of a War Cabinet of nine members, entirely displacing the former Cabinet of larger size. Under the War Cabinet various committees were set up, each dealing with a specific area of policy.

National dissatisfaction with the progress of the war led to a bitter debate in Parliament and the resignation of Chamberlain on May 9, 1940. He was replaced as Prime Minister by Winston Churchill, who had been First Lord of the Admiralty in the War Cabinet and (before the outbreak of the war) the outstanding parliamentary Conservative leader in the opposition to the policy of appeasement.⁴ The Labor and Liberal parties, which had refused to join forces with Chamberlain, agreed to form a coalition Ministry under Churchill's leadership. In the wartime government the party representation consisted of forty-seven Conservatives, eighteen Laborites, eight Liberals, and seven Independents. This coalition remained in office until after the defeat of Germany in the spring of 1945.

Relatively minor changes were made in the size, the organization, and the personnel of the War Cabinet from time to time as the needs of the general war effort or specific governmental crises prompted such reorganizations. The size of the War Cabinet was further reduced by Churchill, who himself became Minister of Defense. Under this arrangement the heads of the service departments (War, Admiralty, and Air) were no longer included but met separately in their own committee to plan the execution of the policies decided on by the War Cabinet. Perhaps the best description of

³ The Ministry of Home Security was later merged with the Home Department which was given very extensive new powers.

⁴ See page 50.

the manner in which the business of government was conducted during the War was given in a speech delivered by Prime Minister Churchill in the House of Commons in 1941, in which he said:

The War Cabinet consists of eight members, five of whom have no regular Departments, and three of whom represent the main organisms of the State, to wit: Foreign Affairs, Finance, and Labor, which in their different ways come into every great question that has to be settled. That is the body which gives its broad sanction to the main policy and conduct of the war. Under their authority the Chiefs of Staff of the three Services sit each day together, and I, as Prime Minister and Minister of Defense, convene them and preside over them while I think it necessary, inviting, when business requires it, the three Service Ministers. All large issues of military policy are brought before the Defense Committee, which has for several months consisted of the three Chiefs of Staff, the three Service Ministers, and four members of the War Cabinet, namely, myself, the Lord Privy Seal, who has no Department, the Foreign Secretary, and Lord Beaverbrook. This is the body, this is the machine; it works easily and flexibly at the present time.

The War Cabinet went out of existence following the surrender of Germany and the subsequent call for a British general election late in 1945 by the Labor Party. The coalition which had supported the War Cabinet organization was dissolved in May, 1945, when the Conservative Party moved to meet the Labor challenge by calling a general election in July. Following this dissolution of the political coalition of parties, the reorganized Churchill Cabinet functioned on the basis of peacetime Cabinet organization.

Civil Service.—The administration of the various departments is conducted by a permanent civil service of five hundred thousand employees. The elements of selection by examination and permanency of tenure, which tend to make a British government job a career, have resulted in a high caliber of personnel and a desirable efficiency in administration.

There are approximately fourteen hundred men, known as the administrative class, who are in the highest ranks of the British Civil Service and who are responsible for the day-by-day functioning of the government. Their duties are (1) to supervise and manage the administration of the governmental agencies, (2) to advise the ministers of their respective departments, and (3) to aid in the formation of policy. This class is specially recruited from the universities and, in a limited number of cases, from the lower ranks of the civil service on the basis of individual records and an exacting examination. These examinations are not intended to test the candidate's capacity for a particular task or job but rather to determine his potential ability to occupy a position of broad responsibility. The members

are trained from the beginning of their service to fill the positions of responsibility and trust. Cabinets and parties in power change, but these men carry on the government of Great Britain regardless of changing Ministries. It is these men who in fact administer Britain's affairs, subject only to changes in policy by Parliament and the Cabinet. Because of their continuity in office and knowledge of administration they often influence the formation of policy.

LEGISLATIVE ORGANIZATION

Relationship between the Executive and the Legislature.—In a governing system in which the members of the principal executive committee are also traditionally members of the principal legislative body there are many points where executive and legislative policy coincide. In Britain the integration of the Cabinet and the Parliament is so close as to tend to negate the separation of these two branches of government. On the other hand, the two branches maintain a separation from each other in many types of procedure and action. Thus it is that the Cabinet and Parliament are at the same time interdependent and separate institutions.

The outstanding unwritten conventions of the British constitution which pertain to the relationship between the executive and legislative branches are as follows: (1) All of the ministers of a Cabinet must be members of Parliament. This rule guarantees a close relationship between the executive and legislative, enabling the Cabinet to keep Parliament continually informed of its policies and activities. Conversely, in the House of Commons a portion of each day is set aside for the members of Parliament to address questions to ministers. (2) While each minister is responsible for his own department, all ministers are considered to be pursuing a collective policy and to stand or to fall together. This does not mean, however, that the whole Cabinet always finds it advisable to accept collective responsibility for the seemingly poor judgment or inefficiency of a particular minister. (3) The Cabinet and entire Ministry resign office at once when the opposition receives a majority at a general election or upon a vote of the House of Commons indicating a loss of confidence.

An interesting intergovernmental relationship exists in the Lord Chancellorship where important functions of all three branches of government are combined. The Lord Chancellor is an important member of the Cabinet, he is the presiding officer of the House of Lords, and as the supreme figure in the nation's judiciary he heads the highest court of appeal.

The House of Lords.—The House of Lords has approximately seven hundred and fifty members who, with some exceptions, hold their positions

through hereditary titles. The exceptions are seven "law lords" appointed for life, twenty-six bishops elected by seniority, sixteen Scottish peers elected by their fellow peers for the duration of a single Parliament, and twenty-eight Irish peers elected by their fellows for life. It is assumed that the Irish peers will gradually cease to sit in the Lords because vacancies in their representation have not been filled since the establishment of the Irish Free State in 1921. The members of the House of Lords draw no salary.

The House of Lords has been the subject of acute controversy in the past. A legislative body constructed largely on a hereditary basis is clearly not in accord with modern democratic ideals, and, moreover, the House of Lords at present has a huge and permanent Conservative Party majority. While it is generally agreed that some reform is necessary, disagreement persists as to how a substitute chamber should be constructed. The major parties have hesitated to provoke a constitutional crisis, and the issue has gradually subsided. It might, however, come into the fore again if the House of Lords vetos important legislation passed by the Commons.

Two important restrictions limit the power of the House of Lords. First, all peerages are created by the King, and there is no limit to their number. If necessary, therefore, the Prime Minister may advise the King to flood the Lords with newly made peers who will vote with the majority of the House of Commons. This threat has been used twice in British history: in 1832 to pass the Reform Bill and in 1911 to pass the Parliament Act. In each instance the House of Lords capitulated to the wishes of the House of Commons. The latter act imposed a second limitation to the Lords' legislative power. Under it, the Lords can delay a financial bill for one month only, and other legislation for not longer than two years. After these periods have elapsed, the bill can be passed over their veto.

It must be remembered, in any consideration of the House of Lords, that the hereditary peers, who owe their titles simply to birth, play a negligible role, the major part being played by distinguished public servants, legal figures, former colonial governors or administrators, ex-Members of Parliament, and others who have been raised to the peerage as a result of their own achievements. The House of Lords thus embodies a great deal of practical experience, and its debates are frequently on a very high level.

The House of Lords also serves as the highest British court of judicial appeal for England, Wales, Scotland, and Northern Ireland, a function exercised by the "law lords."

The House of Commons.—Despite the fact that the House of Commons is historically the "lower house" of the British Parliament, it has long been the dominant branch of that legislative body. Indeed, the House of Com-

mons has come to be the constitutional center of the whole British government. British administrations come into office because they can command a majority in the Commons; an administration which loses its majority must resign. All executive agencies are subject to the control of the House of Commons, which is the body through which the sovereign British people express their collective will and control their government.

Before the general election of July, 1945, the House of Commons consisted of 615 members. All except 12 of these were elected by electoral districts in the United Kingdom, there being 485 members from English constituencies, 35 from Wales and Monmouth, 71 from Scotland and 12 from Northern Ireland. By an odd provision, the remaining 12 members were elected by the graduates of universities, Oxford and Cambridge having 2 members each. The last revision of constituencies was made in 1918, when seats in the House of Commons were distributed on the basis of one member to every 70,000 of population. Since 1918 very large and permanent shifts of population have taken place, to which must be added the large wartime movement. A recently passed act established permanent machinery for the review of constituencies, consisting of four separate Boundary Commissions for England, Scotland, Wales and Monmouthshire, and Northern Ireland. Each of these bodies will undertake regular reviews of the representation of its area, beginning in 1946 and thereafter at intervals of between three and seven years. But as an interim measure, 20 oversized constituencies with more than 100,000 registered voters were divided into 45, on the basis of one to every 50,000 registered voters. This was done before the general election of July, 1945, so that the present House of Commons has 640 members.

In general, the organization of the House of Commons is similar to that of the American House of Representatives. But there are two major differences arising from the basic principles of the cabinet system. The Cabinet is in office because it commands a majority in the Commons, and one of its major jobs is to place legislation before the Commons. For this purpose the Cabinet has well-developed facilities for drafting and studying bills, thereby taking over much of the work that is done by the committees of the American Congress. Moreover, the Commons dislikes the committee method of legislation and prefers detailed discussion of important bills by the whole House. When the House sits in such a discussion it has a committee chairman as the presiding officer. Such a session is known as a meeting of the Committee of the Whole House, just as it is in American practice. A second important variation from American procedure is the "question hour." A limited time is set aside each day for members to

address oral and written inquiries to ministers on pertinent matters. The ministers may decline to answer on the ground that the matter is confidential, but this expedient is used only when warranted, since the Ministry desires to retain the good will of the Commons. Such questions often precipitate informative and embarrassing discussion on the floor of the Commons and in the press.

The Speaker of the House of Commons is elected for each Parliament by vote of the whole House, and he generally carries over from Parliament to Parliament. He is nonpartisan in his conduct of proceedings.

Since the British constitutional theory holds that criticism is an essential element in a democratic political system, it is perfectly consistent that the strongest political party in opposition to the majority party of the House of Commons should be given official recognition. This leading minority party is known as "His Majesty's Loyal Opposition." Its chief spokesman in the House of Commons receives a salary of approximately eight thousand dollars a year.

One of the primary functions of Parliament is to approve, to disapprove, and to criticize the policies of the Ministry. The criticism is designed not only to make the Ministry modify its policy but also to promote efficiency in administration and to educate public opinion. It is true that the Ministry is composed of the leaders of the majority of the House of Commons and can generally rely on the loyalty of that majority. But that majority is very sensitive to the opinion of the public, to which it must account at the next election. When members of the majority feel that they are losing popular support, they may cease to follow the Ministry and become obstreperous. The Ministry must then change its course under pain of losing the confidence of the House.

The Lawmaking Process.—As has been pointed out, Parliament may enact laws on any matter and in furtherance of any policy which a majority of the members approve. It is fettered only by the dictates of its own political experience, practical judgment, and the pressure of public opinion. Otherwise it is free to legislate on any subject. In British parliamentary practice, proposed legislation is divided into several categories. The most important distinction is the one which is made between bills which affect national interests, called public bills, and those which are only of local or individual interest, called private bills. Public bills are further classified according to the manner in which they are introduced. Most of them are introduced by some member of the Ministry. If this is the case the public bill is called a government bill. The few public bills which are introduced by a member of Parliament who is not also a minister are

called private members' bills. Private bills, on the other hand, are always introduced as petitions. Bills of this type are handled by small committees of the house in which they are introduced. Such committees operate in a quasi-judicial manner and conduct hearings in which interests affected by the proposed legislation may have an opportunity to be heard.

Bills may be introduced in either house of Parliament, except that money bills are introduced in the House of Commons and judicial bills are introduced in the House of Lords. Since most legislation is introduced by the Ministry and since the lower house has real control of legislation, most bills are introduced in the House of Commons.

The procedure of the House of Commons is, in many ways, similar to that of the House of Representatives of the United States Congress. A bill entered in the Commons passes through five stages before being transmitted to the House of Lords: (1) the first reading, which is merely the formal submission; (2) the second reading, which involves a vote and a debate, either killing the bill or referring it to a committee; (3) consideration in detail by a committee; (4) the report of the bill to the whole House for consideration; (5) the third reading after which, if the bill is passed, it is transmitted to the House of Lords, where it goes through similar stages. If passed there, it goes forward for the royal assent and is placed on the statute books as an Act of Parliament. If amended by the Lords, it is returned to the Commons. If the Commons refuse to accept the Lords' amendments and the Lords persist, the Commons must pass the bill in each of three consecutive sessions over a period of two years before it becomes law. There is no provision for joint committees such as exist in the Congress of the United States.

Election to the House of Commons.—Elections do not take place in Great Britain at fixed intervals as they do in the United States. According to law a general election must be held at least every five years. In such an election the entire membership of the House of Commons must stand for office. But a House of Commons generally does not stay in office for the full five years. A new election is held when Parliament is dissolved by the King—and the King, of course, acts upon the advice of the Cabinet. Therefore, British general elections occur at irregular intervals of usually less than five years.

Through the device of advising the King to dissolve Parliament, the Cabinet can fix the time of the election so as to gain the best advantage for its party. After about four years in power, it may feel that its chances of success would be better in an immediate election than a year later. Again, a general election may be brought about in order to resolve a

political deadlock in Parliament. The Cabinet can cause a dissolution and an election so as to take the issue directly to the voters. A third common circumstance in which an election is held before the end of the statutory five years might occur when the Cabinet loses its majority in the House of Commons. The Commons can always dismiss a government by passing a resolution that it has no confidence in that government, and in those circumstances a general election almost always follows. The fact that an election may be held at any time tends to make members of Parliament very sensitive to public opinion.

There have been exceptions to these practices in wartime. The Parliament elected in 1935 prolonged its life during the European phase of World War II and was finally dissolved in May, 1945. When in May, 1940, a heavy adverse vote was registered in the House of Commons against the Chamberlain administration, Chamberlain resigned and Churchill succeeded him as Prime Minister without a general election.

If a member dies or resigns, what is called a by-election is held in his constituency to fill the seat. These elections may be important in showing the trend of public opinion, but they are not always safe guides. Local issues often determine the result; moreover, the voters show less interest than in the general elections.

The qualifications for membership in the House are remarkably broad. With a few exceptions any British citizen who is twenty-one years of age may be elected. Peers of the United Kingdom, clergymen of the Church of England and of the Church of Scotland, Roman Catholic priests, judges, and civil servants are ineligible.

The British method of electing members of the national legislative body differs from the American in the important point that in Britain there is no residential qualification. A constituency may elect a man who resides in an entirely different part of the country, and this is a common practice. Thus a London man may be the member for a Scottish constituency and a Scottish man may represent a London area. The British method of national representation has at least two advantages. It gives the candidate for Parliament the opportunity of being elected to the House of Commons even though he may have been defeated in the constituency where he resides. The voters may have a wider choice of candidates than they would have if they were restricted to their own locality. They are more likely to choose someone of national, rather than local, reputation.

The nominating process is very simple. The candidate merely files a nomination paper signed by at least ten qualified voters of the constituency. In addition he makes a deposit of approximately the sum of six hundred

dollars. If he fails to receive at least one eighth of the total vote on election day, his deposit is forfeited and turned into the national treasury. This provision in the law assists materially in winnowing the frivolous candidates from those whose candidacies are legitimate.

Suffrage.—In parliamentary elections the franchise is extended to every citizen over twenty-one years of age. Formerly, three months' residence in a particular constituency was mandatory, but this requirement was removed for the 1945 election. The British citizen can vote in the constituency in which he lives or where he occupies business premises having a yearly rental of not less than ten pounds. The possessor of a university degree may vote for the representative of his university. Under these qualifications an elector may exercise two votes, but only two: one for his residence and one for his place of business or university, provided the votes are cast in different constituencies. In practice this plural franchise results in less than 200,000 votes and is relatively unimportant. The local government franchise was previously limited to owners or tenants of property but has now been assimilated to the parliamentary franchise. There are provisions for absent voters' ballots for the Army and Navy. Aliens, felons, and lunatics may not vote. Since peers exert their political influence directly in the House of Lords, they cannot vote for members of the Commons.

POLITICAL PARTIES

The Relationship of Parties to the British Government.—One of the assumptions of British democracy is that there will be two major divisions of public opinion which find expression in organized political parties. Political organizations in this sense are a seventeenth-century English invention. The majority party is the group which governs the nation; the minority has the responsibility of providing sound opposition to the policies of the governing majority.

Upon this two-party system of government rest many British institutions and constitutional procedures. The House of Commons, for instance, has benches for its members arranged in two banks facing the Speaker's desk, with a broad aisle down the center. The members of the party in power customarily sit on one side with their ministers on the front bench, while the opposition party members sit on the opposite side of the aisle. This arrangement does not hold true when there are more than two parties with a large membership in the House or when a coalition government exists, but it is traditional.

The Cabinet system with its responsible Ministry implies the existence of political parties. The Cabinet must have the support of an organized

group in order to have cohesion and a definite program. As has been indicated, the British have maintained the idea that an organized opposition is desirable and even necessary in their democracy. For most of recent British history there have been two leading parties in the House of Commons; the majority party has been called the "government" party and the minority the "opposition."

British Party Organization.—Party organization within Parliament is based upon three groups: the membership of the party as a whole, the party leaders, and the whips. Although the membership of a party is not rigidly disciplined, it usually acts together, because of the identity of the viewpoint of its members and because of the pressures which the party is able to bring to bear upon its members. In the "government" party the leaders are members of the Ministry, led by the Prime Minister. The leader of the opposition party has a responsibility to provide sound opposition to government policy. The party whips are supposed to maintain discipline and unity among the party members in the House of Commons. There are usually three or four whips in each party.

In the nation as a whole each party has a national organization. This includes a national headquarters, an annual national conference or convention, and local organizations. The national headquarters distributes party literature, collects funds, and conducts campaigns. Often it selects candidates.

British Parties.—The two major political parties in Great Britain are the Labor Party and the Conservative Party. The third in size is the Liberal Party, which split into two groups during the economic crisis of 1931 on the question of joining a coalition ministry. The new groups were the National Liberal Party, which favored the coalition, and the Liberal Party, which did not. This cleavage continues to exist, and in the 1945 elections the National Liberal Party supported Winston Churchill and the Conservative candidates, while the Liberal Party opposed them. There are also several other minor parties, including the two leftist groups, the Independent Labor Party and the Communists.

The Labor Party originated as the result of a resolution passed by the Trades Union Congress in 1899, but only since 1906 has it played a considerable part in English political life. The Party consists of three groups: trade union members, cooperative society members, and those individuals in sympathy with the Labor Party policy who are willing to pay membership dues. The Party is socialist in its political philosophy and its major interest lies in changing the economic rather than the political structure of British society. Its program includes the nationalization of coal mines,

the iron and steel industries, and transportation, as well as of the Bank of England. It also seeks to promote the extension of governmental control to agriculture and industry. The Labor government which took office in July, 1945, is pledged to put a large-scale housing program into effect as rapidly as possible, and to the further broadening of the British program of social security. The Labor Party has always been a strong supporter of international cooperation and has advocated some form of international control over colonial and nonindustrialized areas of the world. The best-known members of the present Labor Government are the Prime Minister, Clement R. Attlee; the Foreign Minister, Ernest Bevin, a trade union leader who was Minister of Labor and National Service in the Churchill coalition government; Herbert Morrison, who was the Home Secretary⁵ in the coalition; and Sir Stafford Cripps, who was in charge of aircraft production during the recent war. Aneurin Bevan, who was prominent in opposition to the Churchill government, is the new Minister of Health. Professor Harold Laski, the Chairman of the Executive Committee of the Labor Party (a post comparable to that of National Chairman of the Democratic Party in the United States), is not a member of Parliament.

The Conservative Party is the successor of the Tory Party, which had its origin in the seventeenth century. The Conservatives advocate the retention of all imperial territories and the strengthening of imperial ties. At the same time, they are enthusiastic in their efforts to form an international organization for the peaceful adjustment of disputes between nations, as was shown by their support of and contribution to the creation of the San Francisco Charter for the United Nations Organization. They are in favor of maintaining the principle of mutual tariff preferences within the British Empire-Commonwealth whereby the elements of the Empire-Commonwealth give economic advantage to each other. Within the United Kingdom itself they support the continuance of a national protective tariff. They oppose the nationalization of property or any interference by the state with the property rights of individuals. Recently, they have supported a program for the extension of social security to new fields, and for a moderate amount of economic planning. Winston Churchill, Lord Halifax, Anthony Eden, Lord Beaverbrook, and Brendan Bracken are among the most active leaders of the Conservative Party.

The Liberal Party, although its influence has been greatly reduced by its division into two groups and its loss of parliamentary seats in the recent election, still commands the loyalty of many leading Englishmen. It is the

⁵ The Secretary of State for the Home Department is more often referred to as the Home Secretary.

successor to the Whig Party which originated in the seventeenth century as the supporter of the power of Parliament against the royal prerogative. In the nineteenth and twentieth centuries, it became the party of change and experiment. Since World War I it has lost strength to an increasingly liberal Conservative Party and to an increasingly moderate Labor Party. The Liberal Party originated the first legislation for social security, such as old-age pensions and health insurance. Today, its leaders favor the further extension of unemployment benefits and other measures for the economic benefit of the industrial masses. The Liberals have always supported free trade and a sound money economy, and have favored international cooperation. The Liberal leader in the House of Commons is Sir Archibald Sinclair. Among the members of the party are Lord Keynes and Sir William Beveridge, acknowledged British leaders in the fields of government finance and economic planning.

The Party Truce in Wartime.—The last prewar general election was held in November, 1935, so that another was due not later than November, 1940. But when war broke out in September, 1939, the three major parties—Conservative, Liberal, and Labor—made an agreement designed to avoid wartime elections. This followed the precedent of World War I. It was felt that the holding of a general election would split the nation into opposing political groups at a time when national unity was most needed. Each year from 1940 to 1944 Parliament passed a short act extending its own life by one year. The parties agreed that when a vacancy occurred in the House of Commons the candidate of the party which in 1939 represented the constituency would not be opposed by the other two parties.

As the defeat of Germany approached, leaders of all parties began to consider the need for a general election as soon as possible after the termination of the war in Europe, or certainly after the end of the war with Japan. The actual breaking of the party truce while Great Britain was still at war with Japan was due to restiveness of the rank and file of the Labor Party rather than to any desire on the part of Winston Churchill and the Conservatives to return to party government. When this feeling prompted the Labor Party Congress meeting at Blackpool in May to favor an election in late 1945, notwithstanding the continuance of the Far Eastern War at that time, the Conservatives decided that it would be good political strategy to order general elections immediately. As a result, the Labor members of the coalition War Cabinet and Ministry resigned their posts, forcing the end of the party coalition which had existed since May, 1940. This action of the Labor leaders was prompted principally by the belief of the Laborites that the socialist measures they advocated should be an integral part of

the national reconversion program. In other words, the end of the party truce was due almost entirely to the difference of the two major parties on domestic issues and not to any fundamental divergence in matters of foreign policy.

The Election of July, 1945.—After the withdrawal of the Labor ministers the Churchill government was compelled to resign. When it did so, Winston Churchill was invited to re-form a government. He did this late in May on strict party lines, and in so doing he abolished the War Cabinet. Elections were ordered and all parties presented their candidates to the electorate.

The election held on July 5, 1945, produced a large Labor majority in the House of Commons. Winston Churchill thereupon resigned as Prime Minister, and the King invited Clement R. Attlee, leader of the Labor Party, to form an administration.

Attlee constructed his Cabinet on peacetime lines. It is a straight party Cabinet, composed entirely of members of the Labor Party, and includes twenty ministers.

JUDICIAL ORGANIZATION

Diversity of Court Organization.—Like other features of British government which have undergone a long evolution, the British courts have considerable diversity of structure. No single form of court organization exists throughout the United Kingdom or in the British Empire. There is one scheme of courts for England and Wales, another for Scotland, and a third for Northern Ireland. Each of the dominions and many of the colonies have varying types of courts. Except in the case of the two high courts of appeal, the discussion here will be limited to the courts of England and Wales.

Judicial Committee of the Privy Council.—The Judicial Committee of the Privy Council is, to a degree, the high court of the British Commonwealth of Nations. It hears appeals from the dominions, India, and the colonies, as well as from the ecclesiastical and prize courts of Great Britain. These appeals are in practice subject to many restrictions. Under most circumstances a case cannot be brought before the Judicial Committee without the Committee's permission. Any dominion can prevent an appeal if it so desires, and now New Zealand is the only member of the British Commonwealth which allows cases to go forward freely. The composition of the Judicial Committee is practically the same as that of the House of Lords sitting as a court of law, since the law lords are always made members of the Privy Council and appointed as members of the Judicial Committee.

The House of Lords.—The House of Lords serves as the high court for the United Kingdom. When it acts as a court only the Lord Chancellor, the law lords, and members who have held high judicial office attend. This group or any three members of it may hear cases and pronounce judgments at any time, regardless of whether Parliament is in session.

The House of Lords hears cases only on appeal from a lower court, except in cases when peers are tried. Its judgments are final. Criminal cases from Scotland are not adjudicated by the House of Lords.

The Supreme Court of Judicature.—This court is really a panel of judges under the direction of the Lord Chancellor. It has original and appellate jurisdiction in civil and criminal cases. It is subdivided into several branches, and its judges never meet as a single body to try cases. The main divisions of the Supreme Court of Judicature are a Court of Appeals and a High Court of Justice. The latter is divided into three elements: (1) Chancery (equity), (2) the King's Bench, and (3) Probate, Divorce, and Admiralty.

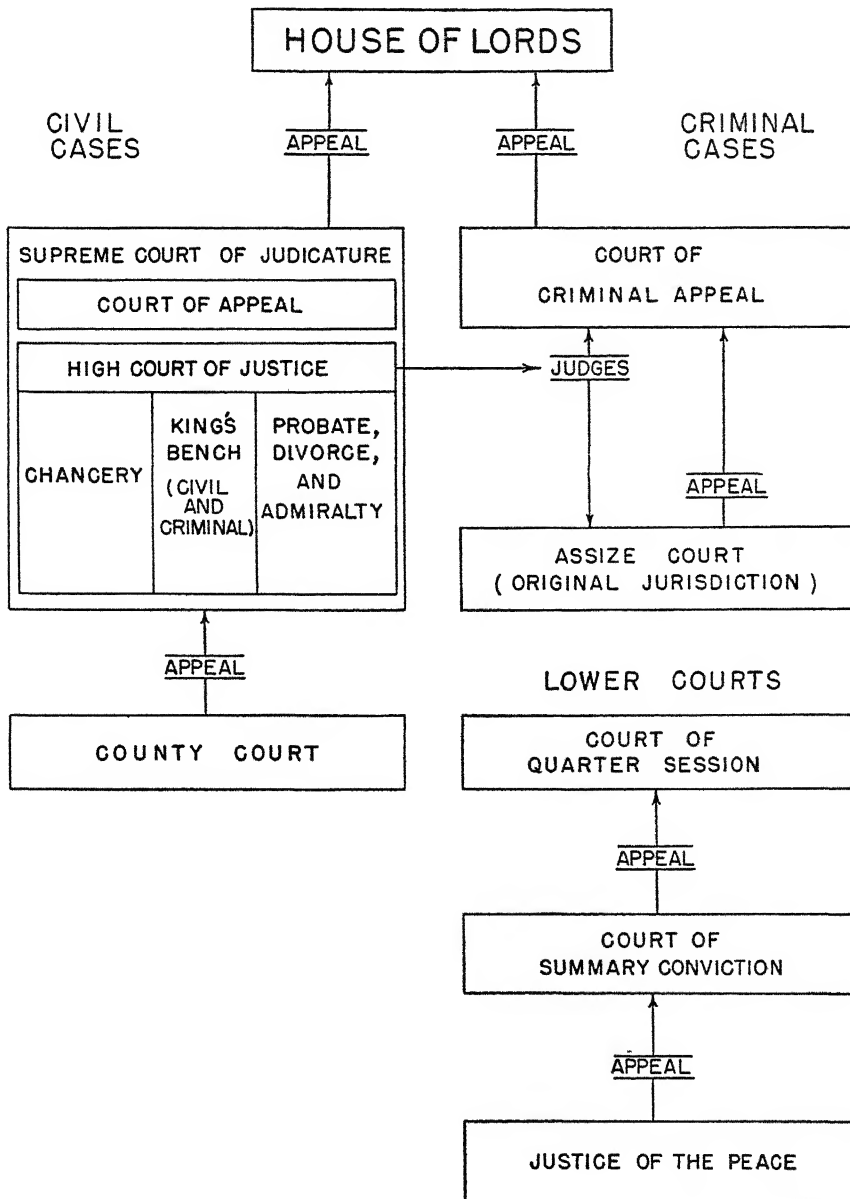
Civil Cases.—Cases coming before British courts are divided into two general classifications, civil and criminal. Civil cases are those usually brought by a private citizen against another person for redress of some wrong, such as slander, trespass, or breach of contract. Civil court actions involving small sums of money are first introduced in County Courts. The County Courts have jurisdiction in a judicial area which has no relation to any other unit of local government. The County Court has one judge. If either party to a suit demands it, a jury trial is held. A member of the King's Bench holds an Assize Court in the historic counties. Important civil cases are originally heard in this court.

Claims for damages involving larger sums must be taken to the appropriate branch of the High Court of Justice—that is, to the Chancery division, to the King's Bench division, or Assize Courts, or to the Probate, Divorce, and Admiralty division. Appeals may be taken from these divisions to the Court of Appeal, and then to the House of Lords (on a question of law).

Criminal Cases.—Cases in which a person is tried by state prosecutors after arrest by an officer or on complaint of a private individual for such crimes as murder, theft, or forgery are tried in criminal courts. Petty criminal cases are tried before Justices of the Peace or Stipendiary Magistrates (in cities). The normal area of jurisdiction for a Justice of the Peace is a historic county. These officials have considerable prestige, but they serve without pay. The Magistrates are paid salaries.

Cases of a slightly graver nature are investigated by a Justice of the Peace, who may dismiss the charges or send the case to a Court of Quarter

COURTS OF ENGLAND & WALES



Sessions, consisting of as many Justices of the Peace within a historic county as care to attend. The next highest criminal court is the Assize Court, which is conducted by a member of the King's Bench of the High Court of Justice who goes on circuit four times a year into each historic county. The accused appearing before this court is always entitled to jury trial.

Above the local criminal court organization stands the Court of Criminal Appeal. It consists of three or more members of the King's Bench. On points of law, cases may be taken first to this court and then to the House of Lords.

Judges.—The Crown possesses the power of appointment of all judges and also the power to remove Justices of the Peace and Magistrates. The judges of the Supreme Court of Judicature cannot be removed except by a vote of both Houses of Parliament.

Court Procedure.—Under the Judicature Act of 1873 the rules of judicial procedure are fixed by a committee which is composed of the Lord Chancellor, seven judges, and four practicing lawyers. New and revised rules must be laid before Parliament, which may disallow them.

In English courts the public is permitted to attend all trials. Both litigants in a proceeding have a right to be represented by counsel and to have their respective sides heard by judge and jury. In almost every type of case the burden of proof rests on the accuser. Guilt or innocence is decided only on the basis of standing law. In serious criminal cases the accused must be tried by a jury. Judgments and the reasons for them are given by judges in open court. Judges have considerable discretion in controlling trials. In every type of case there is an appeal to at least one other court than the one of original jurisdiction. Taken all together, these rules of procedure give the Englishman a reasonable guarantee that he will receive just treatment in court.

English Law.—Although most of the legal systems in continental Europe are based on Roman law, the law of England is a native development. From English origins English law has spread to Ireland, Canada (except the Province of Quebec), Australia, New Zealand, various lesser British dependencies, and the United States (except Louisiana and Puerto Rico). Not all of English law is written, but all of it is enforceable in courts. English law is usually divided into three parts: common law, equity (or chancery), and statute law.

Common law is customary law which becomes established by judicial decisions rather than by parliamentary enactments. It began in the earliest legal usages and forms which gained acceptance in Saxon England by

custom. These usages were the basis for decisions which the King's judges made. Since law, by definition, consists of whatever principles the courts will enforce, customary ideas of justice come to have the force of law even though the greater part of them have never been enacted into statutes. A portion of it exists in written judicial decisions in particular types of cases. Repeatedly, in the last few centuries the common law has been defined and commented upon by great English jurists, notably by Sir William Blackstone in the eighteenth century. It need hardly be said that legal opinions emanating from such sources are usually determinative in the settlement of cases brought into court.

Equity is a supplement to the common law, separate from both common and statutory law. Its purpose is to give justice in cases where common law does not provide an adequate remedy for a sound complaint. It developed gradually from decisions made by the Lord Chancellor and his assistants in what came to be a regular Court of Chancery, established for the purpose of hearing appeals from the regular courts. Decisions in the Courts of Chancery were made on the basis of justice or equity and in time they came to form a sort of appendix to the common law. Equity has been limited to civil cases, as opposed to criminal ones. Most frequently cases in equity involve such matters as inheritances and injunctions.

Statutory law is the body of law which has been enacted by the Parliament in the six centuries of its existence. It is constantly modifying, codifying, and repealing common law and equity, since it takes precedence over both of them. Yet the greater part of English law today is common law rather than statutory law.

LOCAL GOVERNMENT

Central Control of Local Government.—Within the last century the units of local government in England experienced little regulation or control from the central government. This is no longer true. Although a certain control of local affairs remains in the hands of locally elected officials and councils, local government has been drawn into intimate relation with the national government at salient points. The local units are no mere subdivisions of the national government, as they are in France or Japan; nevertheless the local and national structures have been integrated into a single system.

The centralization of English local government has come about gradually, in accordance with no fixed theory or plan. The process has run counter to strong traditions of local independence, and has been accepted grudgingly. The national control has come to be exerted in several ways:

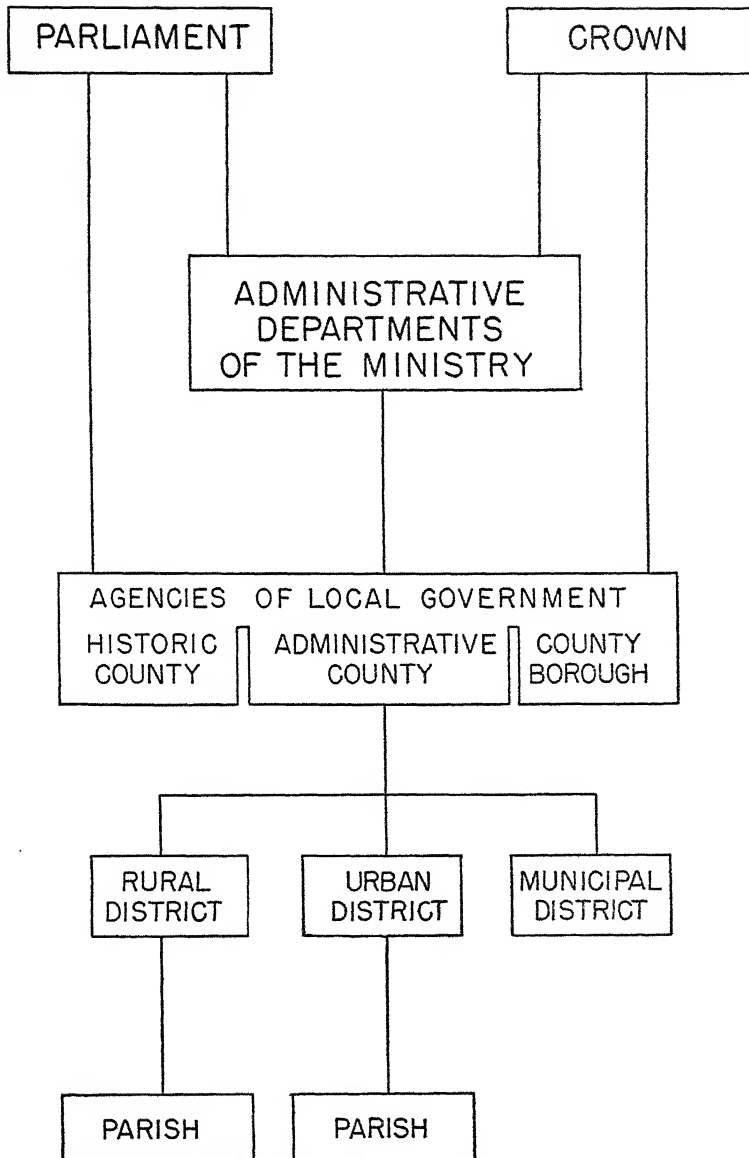
Parliament enacts laws which prescribe local areas, their government, and their activities. The Crown grants charters, regulates local functions, and controls national administrative activity in the localities. The Ministries of Health, Education, Transportation, and the Home Office regulate such local matters as water supply, schools, roads, and police. This type of control is largely exercised through national subsidies to local agencies on the condition that national supervision of the agencies be permitted.

Historic Counties.—The elements of English local government are deeply rooted in the past. Until the reforms of 1888 the principal units of local government were the fifty-two historic counties of England, such as Essex, Norfolk, and Lancashire. At that time these counties ceased to be administrative units. They were retained, however, as a geographical basis for the election of members of the House of Commons, the jurisdiction of criminal courts, and the organization of the militia.

Administrative Counties.—Local administration is now carried on through sixty-three administrative counties and a larger number of county boroughs. The latter are the large urban areas throughout the country. One of the sixty-three administrative counties is the County of London, having a special administrative organization and containing nearly one eighth of the population of England. The governing organ of the ordinary administrative county is a council, partly elected and partly chosen by the elected councillors, which deals with such matters as public health, housing, poor relief, police, education, and roads. Within the administrative county are urban districts, rural districts, and municipal districts or boroughs. The rural districts are further divided into parishes for the handling of minor affairs and the distribution of relief. Each parish and each district have an elected council. The district councils handle matters pertaining principally to sanitation, water supply, and public health. The municipal districts are small cities which are governed by borough councils, partly elected by the voters and partly selected by the elected councillors. These councils act as a combined executive and legislative authority, supervising the administration of the municipal departments as well as adopting the ordinances, determining the tax rate and budget, and appointing the city officials.

County Boroughs.—When a municipal district attains a population of over seventy-five thousand it may be taken out of the administrative county by an act of Parliament and it then becomes a chartered county borough, completely independent of the administrative county and possessing the same powers. The form of its government remains the same, but its powers are expanded. This procedure eliminates any unfortunate duplication of county and municipal government.

LOCAL GOVERNMENT IN GREAT BRITAIN



CIVIL RIGHTS

Individual Rights.—English law does not include any legal guarantees of civil liberty comparable to the provisions of the first amendments to the United States Constitution. This is true because Parliament may legislate in any way it pleases without any limitation whatever, and no act it passes, however unfair, can be ruled unconstitutional by the courts. But ideas of civil liberties are accepted as being essential to free government, and public opinion will allow Parliament to limit them only in the most extreme circumstances. Even during 1940–1941, when the British Isles were in imminent danger of invasion, civil liberties were little disturbed. All through World War II freedom of speech and of the press remained, and anyone could complain about or quarrel with the policy of the government—or even advocate the ending of the war—so long as there was no evidence of a practical desire to interfere with the British war effort and help the enemy.

In the field of radio, it is interesting to note that the only important broadcasting facilities are controlled by the government through its British Broadcasting Corporation. The microphones of this public corporation are used for political discussions within certain mild limitations.

THE BRITISH EMPIRE-COMMONWEALTH

Imperial Relationships.—Since this chapter deals principally with the government of the United Kingdom of Great Britain and Northern Ireland, only brief attention can be paid to the vast system of British imperial and colonial governments which extend over more than a quarter of the earth's habitable surface (thirteen million square miles) and include approximately the same proportion of the earth's population (five hundred million people). These territories, which bear some form of political allegiance to Great Britain, exist on every continent and in every ocean; territorially the British Empire-Commonwealth is the largest area with a general political organization in the world today. This vast aggregation of territories vitally affects the economic welfare, national defense, foreign policy, and national prestige of Great Britain.

Like the government of the United Kingdom, the British Empire-Commonwealth is a product of evolutionary development. Through the centuries it has grown piecemeal without adherence to any definite plan. It grew as a product of British strategic interests, especially those of an economic, naval, and military nature. Often this territorial accretion has been regarded by leading British statesmen as undesirable and costly, and

only toward the end of the nineteenth century was the political control of imperial territories accepted as of benefit to Great Britain. By that time certain territories were beginning to receive large powers of self-government. The end result of this process of erratic evolutionary development has been the creation of political units which have a wide diversity of political forms and a varying degree of dependence on Great Britain. Certain governing principles underlie the whole structure, but the specific territories fall into various categories of subordination to Great Britain's authority. There are at least nine general types: local governments of the United Kingdom of Great Britain and Northern Ireland, Eire, self-governing dominions, India, self-governing colonies, dependencies, protectorates, mandated territories, and condominiums.

These various types of imperial territories are linked together by their relationship to the British government, and especially in the common allegiance to the King which all of them (except Eire) acknowledge. The King is the titular head of every unit of the British Empire, whether that unit is self-governing or not. Three members of the Cabinet act as the channel of communication between the British government and the units of the Empire-Commonwealth. The Secretary of State for Dominion Affairs coordinates policies relating to the dominions and Southern Rhodesia, the Secretary of State for India controls affairs relating to that rich British possession, and the Secretary of State for Colonies controls all of the remaining colonies and dependencies. Under these officials there is a large permanent bureaucracy which governs the dependencies and regulates relationships between Great Britain and the self-governing dominions, self-governing colonies, and protectorates. The King appoints Governors-General and Governors for dominions and colonies, but only on the advice of the Dominion Ministry. In recent instances, notably in New Zealand and South Africa, the Governors-General have been natives of the dominion to whose highest imperial office they were appointed, rather than residents of the United Kingdom. To facilitate imperial coordination the self-governing dominions maintain High Commissioners in London, and some of the protectorates maintain Agents-General there. These officials attend to a variety of official matters in which their governments are interested. By way of extending this sort of interchange between the United Kingdom and the dominions, the British government now maintains High Commissioners in all the dominions. They have taken over the actual functions of representing the British government, while the Governors-General continue to act as ceremonial representatives of Britain.

Aside from ties of political allegiance and the existence of governmental

agencies for the coordination of imperial interests, the British Empire-Commonwealth is held together by intangible ties of a common ancestry for many of its people, similarity of governing principles and governing institutions, and a tradition of cooperation. Economic ties have also proven profitable. London is a large and useful banking center, and imperial trade preferences have encouraged a large exchange of goods within the British Empire-Commonwealth.

The United Kingdom of Great Britain and Northern Ireland.—The United Kingdom consists of England, Wales, Scotland, Northern Ireland, and the islands near these areas, including the Channel Islands. The government of Wales is an integral part of that of England, except that the Anglican Church is disestablished there. Scotland has had no separate parliament since the union of 1707 with England; there are Scottish representatives in both of the houses of the British Parliament. Scotland, however, has separate law codes, its own court system, and an established church of its own—the Presbyterian. The six counties of Northern Ireland send thirteen members to the British House of Commons, but they also possess a parliament and government of their own for local affairs. The Channel Islands and the Isle of Man have legislatures for local purposes. With these exceptions the government of the United Kingdom is unitary and is centralized by the administrative agencies of the London government.

Eire.—After long Irish agitation for “home rule” the British government agreed in 1921 to a treaty with Irish republican leaders which established an Irish Free State with a self-governing status in all matters except foreign relations, defense, and judicial appeals. In the 1930’s the republican-minded Irish Parliament amended the Constitution which had been framed under the treaty so as to abrogate the oath of allegiance to the British King, to abolish the right of the British Governor-General of the Irish Free State to withhold his assent to legislation, and to terminate appeals from the Irish courts to the Judicial Committee of the Privy Council. The British government held that the Irish Free State could legally enact these measures. In 1937 a new Irish Constitution was put into effect which declared a new state of Eire, “a sovereign, independent, democratic state.”

There is no mention of a British connection in this document. In 1938 Great Britain agreed by a treaty to remove all naval and military forces from Eire. Throughout World War II Eire maintained a studied neutrality, refusing to permit the use of her territory by the British armed forces and accepting the diplomatic representatives of the Axis powers in her cities. In the view of the Irish government, Eire is only “externally associated” with the British Empire-Commonwealth. Thus, although Eire

is considered a British dominion by the British government, she has created for herself a separate and practically sovereign status. In July, 1945, Eire was declared to be a republic by her Prime Minister, Eamon de Valera.

Self-governing Dominions.—In the late nineteenth century representatives of the British and certain colonial governments began to meet periodically to discuss common problems. After 1907 such meetings had resulted in the formation of a permanent consultative organization composed of the political leaders of the dominions and known as the Imperial Conference. It met every four years. At the Imperial War Conferences in 1918 and during the Versailles Conference it was agreed that the contributions of the self-governing colonies in World War I gave them the right to be coequal in status, but of course not in stature, with the mother country in foreign affairs. At the 1926 Imperial Conference the Balfour Report was adopted in which the self-governing British dominions and the United Kingdom were described as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any respect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations." This statement confirmed the conception of "dominion status," which is an approximation of sovereignty, for Canada, Australia, New Zealand, the Union of South Africa, Newfoundland, and the Irish Free State. In 1931 the Parliament passed the Statute of Westminster, which confirmed the Balfour Report.

Under the Statute of Westminster the British King and Crown are the only common elements in the governments of all of the dominions. Beyond this legal fact there is the intangible feeling for the King which the peoples of the dominions share. Through this identification of themselves with the person of the King and the institution of the Crown a British unity of great psychological and political importance is created. This is further developed by the common status or common citizenship which flows from the royal allegiance. In law, however, the fealty to the King which the dominions accept is the only link of governing authority—and that largely symbolic—between the dominions. Since the kingship has this status, the Statute of Westminster declares that no alteration in the British laws of succession to the throne can be made without the approval of the parliaments of all of the dominions, as well as of the British Parliament. The Statute of Westminster also declares that no law of a dominion parliament may be held invalid on the ground that it conflicts with the laws of the United Kingdom and that no law of the British Parliament can apply to

any dominion unless the dominion parliament requests and consents to such legislation.

Newfoundland asked that her dominion status be suspended in 1933 when she faced bankruptcy. As a result, that former dominion has temporarily reverted to the position of a dependency of the United Kingdom. It has been pointed out that the Irish Free State has assumed virtual independence of the British Commonwealth.

In the four remaining dominions the populations have had long experience with Anglo-Saxon institutions and have been self-governing for the better part of a century. Their most visible link with the British government is found in the office of Governor-General—an appointee and representative of the British King. In exercising political authority the Governor-General bears exactly the same relation to a dominion government as the King does to the government of the United Kingdom. As has been suggested, the British High Commissioner for each dominion conducts the bulk of imperial business. Each dominion has a constitution which it can amend (Canada and Australia must have the approval of the British government to change their federal and state relationships), a parliament, and a responsible cabinet. Each dominion determines whether or not appeals may be taken from its high courts to the Judicial Committee of the Privy Council. Although the dominions depend upon the British Navy for their defense, each has its own naval and military forces. Each dominion has representatives in foreign countries and is free to make its own treaties.

India.—India is the richest and most populous of British possessions. It consists of "British India," which is about two thirds of the whole area, and of some five hundred native Indian states, which are autonomous under their princes, even though they are under British protection. In 1935 the British Parliament passed a statute which would have created a central representative legislature for India modelled on the provincial legislatures which had been in existence since 1919. Although cabinet government was included in the provisions of the act, so many important subjects, such as defense and foreign affairs, were "reserved" for the final decision of the Viceroy that the Congress Party, which represents Indian nationalist sentiment, did not regard the new constitution as affording real self-government to India. The act could only come into effect when a certain number of states and provinces accepted it, and since not even the princes, whose rights were supposedly secured by the act, would accept it, it is still inoperative. In 1942, when the Japanese armed forces seemed to threaten immediate invasion, Sir Stafford Cripps was sent to India to offer to the Indian nationalist leaders complete self-government and dominion status after the war in

return for their immediate cooperation. The offer was refused chiefly because the Indian leaders wanted more power immediately than the British government thought could safely be given and because the proposals would have enabled the Indian princes to maintain their independent status and thus prevent the formation of a united India. Since the failure of the Cripps mission the demands of the Mohammedan leaders for a separate Mohammedan state have further complicated a very complex problem. At present India is governed by the Viceroy, who is chosen by the British government; he is assisted by a council on which Indians are in the large majority, and by a legislature of two houses, elected under a limited franchise. The provincial governments are largely controlled by elected legislatures and have considerable autonomy.

Colonies and Other Dependencies.—British crown colonies are of several types and possess varying degrees of self-government—or none.⁶ Southern Rhodesia and Ceylon are semiautonomous; they approach, but do not quite reach, dominion status. Some crown colonies, like Cyprus, Bermuda, the Bahamas, and Jamaica, have their own legislatures of two houses; others, like Nigeria, British Guiana, and Trinidad, have single-house legislatures. A few dependencies, like Gibraltar and St. Helena, have no legislative councils or self-government at all.

In protectorates, such as Northern Rhodesia, Uganda, British Somaliland, and Sarawak, the local governments are autonomous in local affairs but are controlled by Great Britain in all external relations. Egypt was a protectorate from 1914 until 1922, when she was declared independent. Great Britain has retained the right to maintain troops in Egypt under the Anglo-Egyptian treaty of 1936.

At the close of World War I, Britain and some British dominions assumed responsibility for certain territories under "mandate" from the League of Nations. This was the trusteeship under which Great Britain took charge of Palestine, Tanganyika, the British Cameroons, and British Togo, while the Union of South Africa assumed the mandate of German Southwest Africa, New Zealand that of the former German portion of the Samoan Islands, and Australia that of German New Guinea. Britain permitted the mandate of Iraq to become an independent state in 1930–1932, but retained certain rights within the country under the terms of the treaty of independence.

Within the British Empire-Commonwealth there are several territories, called condominiums, in which British authority is joint with that of some

⁶ For a map of the British Empire-Commonwealth, see end paper in the front of this volume.

other nation. Examples of such arrangements are Egyptian Sudan, which Great Britain and Egypt control, and the New Hebrides, which are under British and French authority.

ARMED FORCES

Imperial Defense.—In normal times the British Empire-Commonwealth has no centralized defense system, no common navy, army, or air force, except insofar as the forces of the United Kingdom, and above all the British Royal Navy, are able to provide some measure of defense for the whole Empire-Commonwealth. Nevertheless, there has always been coordination of the armed forces of the dominions, so that, if the dominions decided to make war together, the separate forces of the British Empire-Commonwealth could be united. Such a unity would imply only close cooperation between the separate armies and navies—not unity of command or control of home bases in the dominions by the United Kingdom. In fact, even the forces of India and the dependencies cannot be considered as mere reinforcements of the British Army; they are localized and semiautonomous systems of defense in a world-wide organization.

The basic principles of imperial defense are two-fold: first, that each imperial territory shall provide as much of its local defense as it can; and, second, that each imperial armed force shall participate in the common defense of the British Empire-Commonwealth, when and to the extent that its government decides. The net effect of this equivocal principle was well illustrated in World War II. Although troops from the dominions participated as part of the imperial forces on every front where Britain was engaged, it should be noted that throughout the war certain categories of Australian, South African, and Canadian troops remained available for home service only. Despite the absence of formal commitments, the assumption remains that because of common imperial bonds the separately organized forces under the control of autonomous British states will assist one another in time of need.

Beginning in 1909 a series of brief Imperial Defense Conferences have been held for consultation on problems of imperial defense, and a standing Committee of Imperial Defense existed in the British Cabinet until the Churchill War Cabinet abolished this Committee and assumed the functions of coordinating imperial defense.

The British High Command.—As has been pointed out, the Churchill War Cabinet assumed the whole responsibility for the conduct of all phases of the recent war. Within it the Prime Minister held the portfolio of Minister of Defense. A Defense Committee whose membership changed

from time to time, but which has generally included the Prime Minister (and Minister of Defense), the Secretaries of State for War and for Air, the First Lord of the Admiralty, the three Chiefs of Staff, the Foreign Minister, the Minister of Production, and the Lord Privy Seal operated under the direction of the War Cabinet. The armed forces of the United Kingdom and of the dominions and dependencies were coordinated by this Defense Committee, although dominion representatives did not necessarily sit on it. The Defense Committee functioned only with the consent of the participating dominion governments, much in the same way as allied nations might place their combined forces under a single directing command.

Since the end of the war the Ministry of Defense has been abolished, with the result that the High Command functions cooperatively under the War, Air, and Admiralty ministries.

British Army.—Control of the land forces, exclusive of those which are in India, is in the hands of an Army Council. The President of the Council is the Secretary of State for War, and its members include the Chief of the Imperial General Staff, the Adjutant General, and the Quartermaster General. The Permanent Under-Secretary of State for War, a civil servant, acts as secretary of the Army Council.

Before 1939 the land forces of the United Kingdom comprised the Regular Army, the Territorial Army, and the reserves. Since the beginning of World War II, the Territorial Army, which was a militia organized on a county basis for duty in Great Britain only, has been absorbed by the Regular Army and has been used overseas. The reserves of all types are on active duty. A Home Guard of about three quarters of a million men was organized in 1940 as a wartime defense branch. In December, 1944, the Home Guard was disbanded.

At the end of World War II the total strength of the British armed forces was disclosed as 5,136,400 men and women. Demobilization plans at that time anticipated a reduction of this force to 1,500,000 by the end of 1946.

Conscription.—Until the eve of World War II peacetime military conscription was unknown in Great Britain. The Military Training Act of May, 1939, however, provided for six months' training for all men of twenty and twenty-one years. On the day that war was declared—September 3, 1939—a National Service (Armed Forces) Act extended the liability for service to all men between the ages of eighteen and forty-one. The top age for volunteers was set at fifty-five years. The Emergency Powers (Defense) Act, 1940, granted the British government power to conscript all

persons and wealth for the duration of the war. Under this legislation all men and women of eighteen to fifty years had to register for compulsory national service. Men of eighteen to forty-five were drafted into the armed services, and single women of nineteen to twenty-four were also drafted into the armed services. Men of forty-five to fifty and women of nineteen to fifty were drafted into industry or civil defense. Boys and girls sixteen and seventeen years old had to register for preliminary training.

British Navy.—The British Royal Navy is under the command of the Board of Admiralty, headed by the First Lord of the Admiralty. The Board includes naval, civil, and political members. In size the Navy is the second largest in the world. At the beginning of the recent rearmament program the British Navy had a personnel strength of 92,000 officers and men, all of whom were volunteers. During the war all reservists were called up, and conscription was adopted.

At the outbreak of World War II, many merchant vessels were taken over by the British Navy and new vessels were constructed. Since 1941 the ports of the United States have been open to British naval ships for repairs and other services.

The Fleet Air Arm consists mostly of planes based on aircraft carriers, and since May, 1939, has been under the sole control of the Navy, although the initial training for pilots is given by the Royal Air Force.

British Air Forces.—The Royal Air Force is under the control of the Secretary of State for Air and an Air Council, similar to the Army Council. In the United Kingdom the Air Force is divided into bomber, fighter, coastal, training, maintenance, and balloon commands. Overseas there are commands in the Middle East, Iraq, India, the Mediterranean, Palestine, and the Far East.

A British Empire Air Training Plan was announced in late 1939. It provided for the training of ground crews and twenty thousand pilots each year in Canada. The personnel for this training is drawn from Great Britain, Australia, New Zealand, and other parts of the British Empire-Commonwealth. After 1941 training facilities within the United States supplemented those of Canada in this program.

United States Forces in the British Isles.—Since 1942 units of the United States Army have established bases in Northern Ireland and Great Britain with the approval of the British government. Parliament in August, 1942, passed the Visiting Forces Bill which granted to American forces in the United Kingdom extraterritorial judicial rights in criminal cases.

FOREIGN POLICY

Britain after Versailles.—After the signing of the Versailles Treaty in 1919 Englishmen believed that security for Great Britain and her Empire had been obtained for many years to come. The British Isles had suffered terribly both in loss of life, especially in the rising generation, and in disruption of industry and commerce. From 1919 to 1938 the whole British people were pacifist, in the sense that another world war seemed to them the worst catastrophe which could occur. Britain could look forward to the revival of her overseas trade and the cessation of unemployment only through years of peace and international recovery.

Yet Britain did not consider the peace treaty of 1919 as a final settlement to be maintained at all hazards. She was willing after a time to revise its terms, to reduce Germany's reparations payments, to allow Germany to regain her lost military power, and to redress other grievances of which Germany complained. The reasons for this generous attitude are not to be found solely in British altruism, but also in the fact that the revision of some parts of the Versailles Treaty fitted British national interests. The British found, for example, that German deliveries of coal and merchant vessels under the Versailles agreement reduced British markets for these things and created unemployment in British mines and shipyards. The economic prostration of postwar Germany added to the problems of dwindling British markets because prewar Germany had been one of Britain's best customers. The British therefore had a vital stake in German economic recovery and could not understand the apprehension and distrust with which France regarded any relaxation of the terms imposed on Germany in 1919.

Another factor which influenced British foreign policy was the fear and distrust of Soviet Russia, which existed not only in the minds of conservative Englishmen but throughout the Western democracies. England and the United States were actually at war with the Soviet government in 1920, and even after all British and American troops were withdrawn from Siberia and European Russia, the British and American governments were unwilling to recognize the Communist regime at Moscow, partly because of their belief that it had refused to honor Russia's international obligations, and partly through fear of the spread of Communism in other parts of the world. A trade treaty between England and Russia was signed in 1921, however, as soon as it was evident that the Soviets were firmly established in power; and in 1924 formal recognition of the Soviet Union was granted by England's first Labor government, led by Ramsay MacDonald. This

was almost ten years before recognition was conceded by the United States. Diplomatic relations between England and Russia were severed again in 1927 and resumed in 1929. Throughout these years the influence of Russia in Germany and in the Far East was a cause of real alarm in Britain and increased the desire of a limited number of British leaders to strengthen the conservative and capitalistic elements in the German state so that they might resist the impact of Communist propaganda. At the same time the unwillingness of the British democracy to face the consequences which a determined stand against Japanese aggression in the Far East might have involved led to a tacit acceptance of the early Japanese attacks upon China.

Britain and Collective Security.—Despite the fact that many influential Englishmen favored the maintenance of the traditional British policies which placed the interests of the Empire ahead of other considerations, and aimed at the maintenance of a balance of power on the continent of Europe, the majority of British voters favored full participation in the collective efforts of the League of Nations to foster peace and disarmament. After 1919 successive British Cabinets worked through the League Council and Assembly in international affairs and strove continuously to promote the rule of law in the community of nations. The British people were probably not sufficiently aware of how necessary a threat of force was as an instrument in building up the authority of the League, but they were sincere in their desire to uphold that authority by all peaceful means.

Unfortunately the British definition of "collective security" did not agree with that of her late ally France. It was the firm belief of the French that the policy of "collective security" should be aimed principally at maintaining the treaty restrictions on Germany. The British refused repeatedly to commit themselves to various French proposals and policies which had this aim in view. When the United States refused to sign the projected triple alliance under which Britain and the United States would have guaranteed the territorial integrity of France, Britain also refused to sign. This is just one of many instances which show that Britain was unwilling to undertake commitments in Europe or elsewhere in ways which ran counter to the policies of the United States. The British attitude with relation to France demonstrates this repeatedly. When France occupied the Ruhr Valley in 1923 to punish Germany for defaulting on her reparations payments, the British government openly disapproved the French policy. And, in 1924, Britain and her dominions refused to sign the Geneva Protocol, under which members of the League agreed to punish as an aggressor any nation which refused to submit its quarrels with other nations to arbitration. The basis for this refusal was that such an agreement might have

committed them to the defense of territories where no vital British interests were involved. Not only did Britain disapprove of French policy when its aim was to prevent the recovery of Germany, but she disapproved also of French commitments to the small nations of Central Europe. France had welded these nations together into the so-called "Little Entente" as a safeguard against German aggression. The British saw more clearly than the French that alliances with the small nations of Europe meant the assumption of the liabilities of those nations. In 1925 the British thought they had found the solution for their difficulties with the French when they signed the Locarno treaties, in which they gave the same guarantees to Germany and to France against aggression by the other party. But even the Locarno treaties were allowed to lapse when Hitler moved his armies into the Rhineland in 1936. Englishmen had so accustomed themselves to believe that Germany must be allowed to recover her full status in the family of nations that not even Hitler's flagrant disregard of important international agreements to which he had himself subscribed aroused them fully to a realization of the new danger to the peace of Europe.

During this same period the British government supported the general program of the League of Nations and signed such agreements as the Washington naval agreements of 1922. From 1919 to 1934 Great Britain was the leading nation advocating disarmament. Only after Germany left the Geneva Disarmament Conference of 1933 when France refused to agree to equality of German armament with her own did Britain admit the failure of her disarmament efforts and prepare to strengthen her air forces. With the Japanese invasion of Manchuria in 1931 the League of Nations was subjected to the first of a series of crises in which British advocates of collective security worked hard to bring about effective action which would check aggression. Although some of the more conservative British ministers—both in 1931 and again in 1935 when Italy invaded Ethiopia—were unwilling to throw the whole weight of British influence against the aggressors, the British people, especially in 1935, were enthusiastic in their support of collective action. It was therefore under British leadership that the League belatedly and hesitantly applied economic sanctions against Italy. The policy was not strong enough to be effective, and it resulted in defeat for Ethiopia, for the League of Nations, and for British prestige. League of Nations sanctions against Italy drove that power into alliance with Germany and caused Britain to seek safety in rearmament rather than in collective security.

The Failure of British Postwar Policies.—By 1938 it had become apparent that British postwar foreign policies of peaceful rehabilitation, disarma-

ment, and collective security had failed and that Britain must reverse them if she were to survive. Not only had Germany under her National Socialist program of increased armament begun to rearm her land and naval forces, but her air strength had become a threat to Britain. Italy, after the Italo-Ethiopian War, had allied herself with Germany in the Rome-Berlin Axis agreement of 1936. In the same year Germany and Italy had intervened in the Spanish Civil War, while Britain and France were maneuvered into a position of nonintervention in that conflict. In the meantime Japan had denounced the restrictions upon her naval strength which she had agreed to in the Washington and London Naval Conferences. Shortly afterward Japan obviously began to challenge British interests and sea power in the Pacific. In 1936 Japan joined the growing Fascist coalition by signing the Anti-Comintern Pact with Germany.

In the face of these threats to her position in Europe, the Mediterranean, and the Pacific, Britain pursued several new courses concurrently. The desire of the British people for peace resulted in a continued effort to appease the growing demands of Germany. Britain at the same time began to strengthen her armed forces. She abandoned collective security in favor of a series of bilateral treaties with friendly nations and with potential enemy nations which were designed to strengthen the British position. In 1935 Britain independently agreed to German repudiation of the naval restrictions of the Versailles Treaty in return for a pledge that the German Navy would not exceed 35 per cent of the British. In the spring of 1938 the British government negotiated a series of treaties which were designed to appease Italy. Under these agreements Italian troops were to be withdrawn from Spain, Britain recognized the Italian conquest of Ethiopia, and a naval understanding for the Mediterranean Sea and the Suez Canal was reached. At the same time Britain and France had begun to reconcile their differences, reaching an understanding based upon the obvious Axis threat to both their interests when they entered into a military alliance in April, 1938.

Appeasement.—The last great effort of the British government to maintain the peace of Europe has come to be identified with the Ministry of Neville Chamberlain (1937–1940) and is known as the policy of appeasement. It had the dual purpose of maintaining peace at the cost of considerable concessions to the Axis nations and of gaining time in which to increase the armed strength of Britain. The French government was so weakened by internal dissidence and so fearful of its security that it very willingly accepted and followed the British lead in this policy. The underlying desire of the appeasement policy was that a workable understanding, be-

Victory Message Of King George VI, August 15, 1945

Three months have passed since I asked you to join with me in an act of thanksgiving for the defeat of Germany. We then rejoiced that peace had returned to Europe, but we knew that a strong and relentless enemy still remained to be conquered in Asia. No one could then tell how long or how heavy would prove the struggle that still awaited us. Japan has surrendered, so let us join in thanking Almighty God that war has ended throughout the world, and that in every country men may now turn their industry, skill and science to repairing its frightful devastation, and to building prosperity and happiness.

Our sense of deliverance is overpowering, and with it all we have a right to feel that we have done our duty. I ask you again at this solemn hour to remember all who have laid down their lives, and all who have endured the loss of those they love. . . .

The campaigns in the Far East will be famous in history for many reasons. There is one feature of them which is a special source of pride to me and also to you, the citizens of our British Commonwealth and Empire to whom I speak. In those campaigns there have fought side by side with our allies, representatives of almost every unit in our great community: men from the Old Country, men from the Dominions, from India and the Colonies. They fought in brotherhood; through their courage and endurance they conquered. To all of them and to the women who shared with them the hardships and dangers of war, I send my proud and grateful thanks.

The war is over. You know, I think, that those four words have for the Queen and myself the same significance, simple yet immense, that they have for you. Our hearts are full to overflowing, as are your own. . . . The British people here at home have added lustre to the true fame of our islands, and we stand today with our whole Empire in the forefront of the victorious United Nations. Great therefore is our responsibility to make sure by the actions of every man, and every woman here and throughout the Empire and Commonwealth, that the peace gained amid measureless trials and suffering shall not be cast away.

Many anxious times in our long history the unconquerable spirit of our peoples has served us well, bringing us to safety out of great peril. Yet I doubt if anything in all that has gone before has matched the enduring courage and the quiet determination which you have shown during these last six years. It is of this unconquerable spirit that I would speak to you tonight, for great as are the deeds that you have done, there must be no falling off, no falling away from this high endeavour. We have spent freely of all that we had, now we shall have to labour and work hard to restore what has been lost, and to establish peace on the unshakable foundations, not alone of material strength, but also of moral authority. Then, indeed, the curse of war may be lifted from the world. . . .

The world has come to look for certain things, for certain qualities, from the peoples of the Commonwealth and Empire. We have our part to play in restoring the shattered fabric of civilization. It is a proud and difficult part, and if you carry on in the years to come as you have done so splendidly in the war, you and your children can look forward to the future, not with fear, but with high hopes of a surer happiness for all. It is to this great task that I call you now, and I know that I shall not call in vain.

In the meantime, from the bottom of my heart I thank my peoples for all they have done, not only for themselves, but for mankind.

tween Britain and France on the one side, and the Fascist powers on the other, could be reached.

The appeasement policy faced its greatest test in the Munich Conference of September, 1938, when Neville Chamberlain and Edouard Daladier, the responsible heads of the British and French governments, met Adolf Hitler and Benito Mussolini, the dictators of Germany and Italy, and agreed to German demands that the Sudetenland of France's ally Czechoslovakia be annexed to Germany. Prime Minister Chamberlain returned from Munich believing that he had maintained, as he said, ". . . peace in our time." His belief was generally accepted in Britain—although Anthony Eden had resigned as Chamberlain's Secretary of State for Foreign Affairs earlier in 1938 in protest against the appeasement policy. Winston Churchill led Conservative opposition to the policy. At the same time, both the Labor and the Liberal Parties disagreed with it.

World War II.—The efficacy of the appeasement policy in deterring aggressive German moves was disproved when Hitler, who had said at Munich that Germany had no further territorial demands in Europe, sent German troops to seize the remainder of Czechoslovakia in March, 1939. With this act of aggression the British and French governments abandoned appeasement, strengthened their armed forces, and agreed to stop German expansion at the cost of war if necessary. In the face of German demands upon Poland for possession of the Polish Corridor and upon Danzig for annexation to Germany, the British and French governments announced on March 31, 1939, that they would guarantee Polish independence. A week later they did the same thing for Greece and Rumania.

Germany continued to press demands upon Poland and to prepare for war. On May 22, 1939, she signed a ten-year military alliance with Italy and on August 23 she concluded a nonaggression pact with Russia. On August 29 Germany demanded that Great Britain arrange to have a Polish delegate with full powers to negotiate the Polish-German disputes reach Berlin on the next day. The British government replied that the procedure was unreasonable and the time limit impracticable. On August 31 the German government presented to the British Ambassador to Germany a sixteen-point demand for settlement of the Polish controversy. Before the Polish government could reply and without a declaration of war, German armies moved into Poland on September 1. Great Britain made a final effort to stop the German aggression by presenting an ultimatum to the German government, demanding the immediate withdrawal of German armies from Poland. When the British ultimatum was ignored, the British and French

governments announced on September 3, 1939, that they were at war with Germany.

The Course of the War.—Obviously, no lengthy account of Great Britain's part in World War II can be given in this outline of British foreign policy. Only the salient events and the main British alliances can be noted. All of the dominions of the British Commonwealth of Nations, except Eire, voted to join the British war effort at the very beginning of hostilities. In 1940 Italy declared war against Britain and France and helped defeat the latter in the Axis campaign against France. Italy, in turn, was defeated and compelled to surrender to the British and American forces which invaded the Italian peninsula in 1943. Japan declared war on the United States and Great Britain on December 8, 1941, the day after the Japanese attack on the Hawaiian Islands. The Japanese attack automatically brought the United States into the world-wide conflict on the side of Great Britain. Russia was invaded by Germany in 1941 and in May, 1942, entered into a twenty-year military alliance with Great Britain.

The United States and Great Britain and their Allies achieved close collaboration in the war against Germany and the other Axis nations after 1941. American interest in the British war effort was shown by official and unofficial aid to Britain before actual American entry into the war. An identity of American and British general aims was revealed on August 14, 1941, when Winston Churchill, who had been Prime Minister of Great Britain since the resignation of Neville Chamberlain on May 10, 1940, and President Franklin Roosevelt issued the Atlantic Charter. In this statement the heads of the two governments expressed the common principles contained within their respective policies: principles of peace, nonaggression, national self-determination, free access to raw materials, economic security, freedom of the seas, and disarmament. On January 1, 1942, the United States and Great Britain led a large group of nations in the formation of the United Nations in opposition to Germany and her Axis partners. By January, 1945, a total of thirty-six countries had joined this group of United Nations.

As early as 1940 Great Britain and the United States began their military coöperation with the exchange of fifty American destroyers for the right to establish American bases in certain British dependencies. On January 29, 1941, the first American units arrived in Newfoundland. Later in the same year American forces established bases in Bermuda, Trinidad, British Guiana, St. Lucia, Australia, and Jamaica. Early in 1942 the first American units landed in the British Isles and in Egypt to cooperate with British forces. Since then British and American forces have participated

in joint offensives all over the world—in India, the Southwest Pacific, North Africa, Sicily, and Italy, and in the air war over Germany. The climax of this joint offensive war came in June, 1944, with the successful invasion of Western Europe by way of Normandy, followed later by landings at other places on the Continent. Under the command of General Dwight D. Eisenhower, the Allied armies broke through the coastal defenses, liberated Paris by the end of August, reconquered Belgium and a part of the Netherlands, and at the beginning of the year 1945 were hammering at the western defenses of Germany itself. After a Russian offensive across Poland to the Oder River in the early spring and British and American drives across the Rhine to the Elbe and Danube, a little later, the end of the European phase of World War II came on May 7, 1945, with the unconditional surrender of the German High Command to the Allied army commanders.

On September 2, 1945, Great Britain joined the United States and their allies in accepting the surrender of Japan. Although the major campaigns in the Pacific had been fought by the armed forces of the United States and China, the contributions of the British and Australian naval and land forces had sped the ultimate victory.

The End of Lend-Lease.—Since the peace with Japan, one of the most unfortunate developments in foreign affairs has arisen in the obstacles to continued cooperation between Britain and the United States in matters of economic and financial policy. Under the lend-lease agreement, the United States had been supplying to Great Britain and the British dominions, as well as to the other United Nations, goods necessary for the prosecution of the war. The sudden end of the war in the Far East was soon followed by President Harry Truman's announcement of the cessation of lend-lease exchanges on a wartime basis. Although the action of the United States was implicit in the lend-lease law as enacted by the Congress, the termination of such aid was publicly lamented in Parliament, both by Prime Minister Attlee and by Winston Churchill. In their protests they pointed out that Britain must import food and many other necessities in order to live, that on the basis of her agreement with the United States she had ceased to manufacture for export, converting all her production to the war effort, and that she needs time to reconvert to her normal production for export. Although the solution for the difficulty is expected to take the form of a large loan to Britain from this country, there is a strong feeling on the part of British economic experts against increasing Britain's enormous foreign debt.

Thus, as in the results of the 1945 election, there is evidence that the

economic and domestic issues facing Great Britain overshadow even the problems of the peace settlement and future international organization. Yet it seems likely that British foreign policy will continue to be based on the interlocking principles that peace is indivisible, and that Britain's self-interest cannot be divorced from the welfare of all the nations.

The United Nations Organization.—The British government enthusiastically supported and participated in the work of the conference of the United Nations, held in San Francisco during April and May, 1945. The Charter which was formulated at this conference for the purpose of creating a United Nations organization as the agency for settling international disputes has been accepted by Great Britain. There can be no question that the permanent organization of the United Nations will enjoy the support of all the major political parties in the British Parliament.

Britain's Policies for World Settlement.—Since the success of the Allied offensives assured the ultimate victory of the United Nations, Britain has cooperated with the United States and Russia in the effort to construct a peace settlement which will prevent future wars by satisfying aspirations of the three victorious powers for security and a return to prosperity, while providing an international organization in which the smaller powers are represented. Many obstacles have arisen to delay the achievement of these objectives. The problems of establishing satisfactory boundaries and governments for Poland and Yugoslavia have not been easy to solve. The peace settlements with Italy, with Hungary, and with those Balkan states which were German satellites have all presented very real difficulties in which the interests of the Soviet Union have often appeared to be opposed to those of Great Britain and the United States. One of the most difficult is the problem of governing Germany, now being administered in separate zones by Great Britain, France, the Soviet Union, and the United States. Britain has agreed to join the Allied Far Eastern Commission which will concern itself with problems related to the government of defeated Japan.

With her wartime allies, Britain directs her policy toward insuring that neither Germany nor Japan shall again disturb world peace. She aims at the economic restoration of war-stricken areas under freely elected democratic governments. She has learned from the history of the interwar years the lesson that any international security organization must be backed by military power, and that those nations which have great military power must accept the major responsibility of maintaining the peace. In this regard, she aims at the full implementation of the United Nations Charter drawn up at the San Francisco conference.

THE GOVERNMENT OF FRANCE

FRANCE IN TRANSITION

Current Status of the French Government.—Twice in five years the French people have been tossed and buffeted by the storms of extreme political transition. The first crisis came in 1940 at the close of the most disastrous war in France's history as a national state. It terminated briefly with the division of the country into two regions, one occupied and ruled by the victorious German Army; the other, unoccupied, under the nominal rule of Marshal Henri Philippe Pétain. In theory, he was to have established a constitutional basis of government. In actual fact, he ruled from his capital in Vichy by fiat, always under the close and increasing surveillance of the German agents who provided the political direction for Vichy France. Even that poorly disguised semblance of French autonomy vanished abruptly when, in November, 1942, the French in North Africa joined the Allied Nations, after the Anglo-American forces under General Dwight D. Eisenhower's command had made good their landing in Morocco and Algiers. With that event, Germany abandoned the pretense of self-rule in the French homeland, reducing the people to the common level of the subjugated in the other areas of Europe controlled by the German Army.

The reversal of the military tide which in 1944 swept France clear of the invaders brought on the second storm. Briefly, the theaters of action were under control of the Supreme Commander of the Allied Forces. As the Allied armies advanced, the liberated rear areas were successively restored to French direction. Into the gap moved the authority of the Provisional Government of the French Republic, direct descendant of the French Committee of National Liberation. The latter group was the political head of the Free French Movement, initiated in London by General Charles de Gaulle soon after France's surrender in 1940. To it had flocked many thousands of Frenchmen who, at one time or another, had escaped the

German net. Eventually all such elements united in Algiers to make common cause against the enemy. Armed and supplied by the Allied Nations, they assembled and organized a substantial and growing army which played its part in the campaigns from North Africa to the final May days in Germany. A second important element of this force, both political and military, was made up of internal resistance elements who either could not or would not leave their country, but secretly fought the Germans with whatever means came to hand.

In August, 1944, the Provisional Government of the French Republic moved its headquarters to Paris. Its recognition by the United States, Great Britain, and Soviet Russia as the *de facto* government of the French people, pending the election of a National Constituent Assembly, buttressed General de Gaulle and his followers at a difficult hour. Four years of German rule, added to the destructive effect of the campaigns of 1940 and 1944, had accomplished the economic ruin of France to a degree where outside relief alone could provide the people with bare subsistence. A half-starved people, devastated industrial centers, disrupted communications, and an empty treasury provided a poor basis for the rebuilding of a national political organization. No less corrupting was the moral debris which had separated the French people into those who had wholeheartedly opposed the Germans and those who were deemed tainted by various degrees of collaboration with the enemy. Only the most courageous and farsighted could hope to build on such a foundation a new, healthy, and vigorous political structure, capable of restoring France to its traditional place in the family of nations. The effort has been boldly launched. Before the end of 1945 it gave promise of achieving results not deemed possible a year earlier.

This study of the government of France will deal in turn with the organization of the governments of the Third French Republic, the Vichy government, and the Provisional Government of the French Republic.

The Third French Republic 1871–1940

BACKGROUND OF THE THIRD FRENCH REPUBLIC

The Succession of Modern French Governments.—From the French Revolution of 1789 to the present day, various groups and individuals have created and destroyed a series of governments in their struggles for political

control of France. The French revolutionaries themselves abolished the centuries-old absolute monarchy of the Bourbon Kings and substituted for it the First French Republic in 1792. After several years of experimentation with republican forms this government was converted into an empire by Napoleon Bonaparte in 1804. When Napoleon's government collapsed from the military defeats it had suffered, the Bourbon kings were restored for the short period from 1814 to 1830. The revolution of the latter year elevated Louis Philippe of the Bourbon-Orleans branch of the French royal house to the French kingship until the revolution of 1848 created a Second French Republic. This in turn became four years later the Second Napoleonic Empire through the *coup d'état* of the Prince-President Louis Napoleon, a nephew of Napoleon Bonaparte. In 1870 the Second Napoleonic Empire came to an end as a result of French defeat in the Franco-Prussian War.

The Establishment of a Third Republic.—A National Assembly was elected in 1871 with power to create a new government. Although the royalist faction in this body was large in total numbers, it was so hopelessly divided as to candidates for the throne that it could not establish a government. Republicans were able to enact a series of three constitutional laws, passed by the National Assembly in 1875, under which a republican form of government was established. This government came to be known as the Third Republic. It existed until the defeat of France by Germany in 1940.

THE "CONSTITUTION" OF 1875

The Nature of the Constitution.—Despite the frequent changes of governmental form during France's modern history, there has been considerable continuity in French constitutional law. Many of the laws of the Third Republic dated from the period of the French Revolution or from the reign of Napoleon Bonaparte. The foundation of the constitutional system was the Declaration of the Rights of Man, which changing forms of government have never wholly displaced. Many groups in France in 1875 did not consider that the republican form of government had been irrevocably adopted, and discussion of the propriety of other forms was an important element in the politics of the Third Republic.

Taken together, the three constitutional acts of the National Assembly in 1875 became the fundamental legal basis of the Third Republic. That basis, however, is more fragmentary than comprehensive, covering only the method of selecting the members of the national legislature, the executive power, and the organization of the Senate. The constitutional acts provided for their own amendment by vote of a National Assembly, which will be discussed below.

The Constitutional Structure of Government.—In spite of the inadequacies of the "constitution" of 1875, the structural organization of the Third French Republic which emerged from it—supplemented by constitutional amendments, statutory law, and republican usages—was a satisfactory governing system. Under it France became a unitary, democratic republic with parliamentary government. There was a separation of the powers of the branches of government. The legislative branch of government was the source of sovereign power and was made up of a Parliament of two houses, the popularly elected Chamber of Deputies and the indirectly elected Senate. The titular head of the state was the President of the Republic, while the actual head of the government was the Premier, who was aided by a Council of Ministers or Cabinet of his own choice. These ministers were the administrative heads of the several governmental departments. The French courts, whose judges were appointed by the President of the Republic on the advice of the Minister of Justice, administered justice under the law but, unlike American courts, lacked any power of judicial veto over the acts of the legislature.

LEGISLATIVE ORGANIZATION

National Assembly.—The National Assembly was a single legislative body consisting of the Senate and the Chamber of Deputies sitting in joint session. It canalized the sovereign will of the French people. It met only for the purpose of revising the constitution and electing the President of the Republic.

The Chamber of Deputies.—Except for providing for the election of members, the constitutional acts of 1875 were silent regarding the Chamber of Deputies. It was taken for granted that the lower chamber would be popularly chosen. Furthermore, it was felt that much would be gained by retaining complete flexibility of size, organization, and tenure of office. Other detailed matters could then be established and altered by statute as conditions might indicate. In 1940 there were 618 seats in the Chamber. It met in regular session once each year and was constitutionally required to remain in session for at least five months. Special sessions of both houses were frequently called by the Ministry. All plenary sessions of both houses were held in public, and their proceedings were published in an official journal.

Members of the Chamber were elected from the divisions of local government which were called *arrondissements* (subdivisions of the ninety *départements* into which France was divided for administrative purposes). Theoretically, representation was on the basis of districts of equal popula-

tion, but in practice the size of the constituencies varied greatly, favoring the rural districts at the expense of the urban areas. The term of office was four years, and the entire membership had to submit to re-election or retirement at the end of a term. The prerogative of the President of the Republic to dissolve a chamber before the end of a term, with the consent of the Senate, and to order new elections was exercised only once. This proved to be one of the worst defects of the French parliamentary system, for it deprived the French executive of a valuable check upon the national legislature. Male French citizens twenty-five years of age were eligible for election. There were no primaries. Each candidate merely filed an intention to offer himself for the office. To be elected, a candidate had to receive a clear majority of the votes cast in his single-member district and at least one quarter of the votes of the total number of registered voters in the district. If no candidates received a majority of the votes cast, a supplementary election was held one week later with all of the original candidates having the right to participate. Usually all except the two strongest candidates withdrew. A plurality of the votes cast was sufficient for election.

Both legislative houses elected their own officers and determined their own rules of procedure. The Presidents of the Chamber of Deputies and of the Senate conducted all proceedings in a nonpartisan manner. The task of maintaining order in the large and frequently disorderly Chamber was a difficult one. A system of penalties, usually involving suspension for a certain number of days, had to be established for unruly members.

Suffrage.—Suffrage was extended to every mentally sound male citizen who was over twenty-one years of age and who was duly enrolled on the voters' list of any locality. Woman suffrage did not exist. No educational tests or taxpaying requirements were provided for. There was no plural voting as in England, and no absentee voting as in America. Persons in the military or naval service were denied the right to vote unless they were present on leave in the commune where they were regularly registered.

The Senate.—The Senate consisted of 314 members, each department (*département*) having from one to five senators, depending upon its population. All were elected for nine-year terms, one third retiring every three years. Any French citizen over forty years of age was eligible to be elected to the Senate, provided that he was not a member of any royal or imperial family that had ever ruled France. Senators were elected indirectly, that is, by an electoral college which was convoked in the departments every three years. These electoral colleges were made up of four elements: (1) the members of the Chamber of Deputies who represented the department; (2) the members of the general council of the department; (3) the mem-

bers of the various *arrondissement* councils within the department; and (4) delegates chosen by the municipal councils of all the townships (*communes*) within the department. The delegates from the townships far outnumbered the others.

The Senate, to which most members of the Chamber of Deputies aspired, enjoyed great prestige. The senators were generally men of considerable experience in public life and were inclined to be of the conservative "elder statesmen" type. The tendency toward conservatism made the Senate a stabilizing influence in the government. Because of the long term of office, the Senate was usually years behind changes in public opinion. Under no circumstances could the Senate be dissolved. The President of the Senate ranked next to the President of the Republic among state officials.

It was originally intended that the Senate should enjoy powers almost equal to those held by the lower house. In practice, the Senate assumed a secondary but distinctly important position.¹ It had two special powers under the constitution. First, its approval had to be obtained before the President of the Republic could dissolve the Chamber of Deputies. In practice, the power of the President in this respect fell into disuse. Secondly, the Senate served as a high court of justice in cases where the President or one of his ministers was charged with improper conduct in office. A majority vote in such instances was sufficient for conviction. Lastly, the Senate had legal cognizance over assaults on the security of the state.

Members of both legislative houses received an annual salary, and were granted full civil and criminal immunity for acts committed while they were in office.

The Enactment of Law.—When the Senate and the Chamber of Deputies sat separately, they were known as the Parliament and exercised complete lawmaking power. In addition they exercised control over the executive branch of the government and its administration of public business. All financial bills originated in the Chamber of Deputies, and, as a matter of custom, its decisions on budgetary matters were usually final. All acts which passed both houses of the Parliament by a majority vote and were signed by the President of the Republic became law. The lawmaking powers of the Parliament were not limited by judicial review.

Two types of bills might have come before either house of the Parliament. One was a government measure (*projet de loi*) introduced by a member of the Cabinet. Most bills were of this type. However, any

¹ In 1937 the Senate caused the overthrow of the first Blum "Popular Front" government by refusing to agree with the Chamber of Deputies in granting Premier Blum special powers to deal with the financial crisis which gripped France at that time.

member of either house had the right to introduce legislation in the form of a private member's bill (*proposition de loi*).

Both houses had permanent and special committees to handle legislation according to its subject matter. All bills were referred to the appropriate committee upon introduction. There they were considered by committee members in private sessions. When the bill was ready for consideration on the floor, a private member, known as the "reporter," was named by the committee to report the bill and to pilot it through the house which had it under consideration. It was the "reporter's" function to defend the bill, and in the event of a government measure, to collaborate with the minister responsible.

On the floor the initial debate was on the general provisions of the bill; the details were not considered at all. Then followed a vote on the question of passing to the specific articles. If this vote was unfavorable, the measure was defeated at once; if favorable, the bill was then taken up section by section. Amendment and debate were then in order. In the Chamber of Deputies strict closure rules were observed to prevent lengthy debate by its large membership. Unlike British or American practice, nonmembers of the French Parliament might be introduced on the floor to defend the bill, to clarify it, or to suggest changes in it. These might be ministers having seats in the other house, undersecretaries, or any expert or authority whose observations were considered valuable. When the time came to take a recorded vote, an urn was passed from seat to seat and each member dropped into it a ballot bearing his name—a white ballot to vote "Yes," and a blue one to vote "No." France was one of the few countries which permitted its legislators to vote by proxy; an absent deputy could arrange to have a colleague drop his ballot for him. This privilege became subject to considerable abuse. For a more exact count, a group of fifty deputies might demand a ballot "at the tribune." In this vote each deputy went forward as his name was called and deposited his ballot. No proxy vote was permitted when the vote was taken in this fashion. The vote on a bill might also be taken by a show of hands or by a standing vote. The show of hands was the most common method.

Legislative Power of Inquiry.—Each house had power to question the ministers who headed executive departments concerning matters of public business. More frequently ministers were interrogated in the Chamber of Deputies but the privilege was also possessed by senators. Three types of interrogation were employed: (1) A "question" was a dialogue between the member asking the question and the minister replying (or possibly an exchange of notes in the official journal). It did not give rise to debate or any

sort of vote. (2) An "interpellation" opened a general debate which was followed by a motion to continue the ordinary work of the house; this motion might be a simple one expressing no opinion on the preceding debate, or it might express the confidence or lack of confidence of the members. A minister against whom a vote of no confidence had been passed often had to resign. The frequency with which an interpellation led to the downfall of a minister or a Cabinet amounted to an abuse of the device. (3) "Investigation," which was rarely used, was the examination of a particular act or policy by a committee of one of the houses; the committee might hear witnesses and would present its findings for discussion on the floor. The effectiveness of such measures of control is discussed below in connection with the executive.

The Dominance of the Chamber of Deputies.—In law and in fact the Chamber of Deputies was much the more important of the two houses. By virtue of the number of its members, it had the deciding vote in the National Assembly. It also had the primary control in the making and unmaking of ministries. In practice nearly all important bills, as well as all financial measures, were first introduced there, while the Senate provided a second consideration as a check on overhasty action.

POLITICAL PARTIES AND GROUPS

Existence of Numerous Political Groups.—Americans and Britons are accustomed to the existence of two or three major political parties, coherently organized and firmly disciplined. In France, however, the situation has always been markedly different. Under the Third Republic a political "party" existed outside the Parliament. Within the Parliament the senators and the deputies were organized into "groups." Sometimes a parliamentary group included most of the senators or deputies from a particular party and was known as the "group of a party." However, there were parties to which no groups corresponded, and vice versa. More confusing still, the "groups" in the Senate did not always correspond to the "groups" of the Chamber of Deputies in name or principles. The party and group labels used in France at large complicated matters still more. They are almost invariably inaccurate, usually outmoded, and frequently meaningless. The moderate Radical-Socialist Party was a classic example, for it was neither socialistic nor radical.

Absence of Party Discipline.—With the exception of the Socialists and Communists, France did not have large or well-disciplined parties. It was by no means exceptional for some representatives of a party to refuse to join the rest of the party's parliamentary group in the support of a particular

Cabinet. Conversely, a member of a parliamentary group was sometimes so individualistic that he had no party affiliation at all.

In general, the French deputy or senator was alone responsible for his election or re-election.² Consequently he was in no way bound to align himself with any particular group or to maintain allegiance to any group that he might join. Nor did any stigma attach to the deputy who changed his group. A French politician was much more apt to be faithful to a particular leader than to any particular party or group.

Political Coalitions.—No single political party or group normally hoped to command a majority in either house. This being the case, it was necessary for a certain number of these groups, collectively known as a *bloc*, to join forces in order to get a working majority. This grouping of groups, naturally enough, was at best only a temporary working arrangement, and the disruptive forces of group and party factionalism were constantly at work. The result was that French Cabinets, which had to possess a working majority in Parliament, went in and out of power with amazing rapidity. The Third Republic lasted less than seventy years, and yet during that time more than one hundred different Cabinets were formed, their average life being somewhat less than nine months. Obviously such a system would have been unworkable had there not been a stable bureaucratic structure within the government.

French Political Parties.—Traditionally, French groups or parties divided on significant issues into what were called parties of the Right and parties of the Left. Those of the Right were usually clerical, oligarchical, and authoritarian in their views. Some of them represented big business and the large landowners. One was a royalist. The most important of these groups was the Republican Federation (URD), a party aggressively opposed to trade unions, social legislation, anticlericalism, the taxation of wealth, and state intervention in industry. Parties of the Left, among which the largest was the Radical-Socialist, were heirs of the democratic tradition of the French Revolution. The Radical-Socialists championed the interests of the great mass of French farmers, merchants, and middle-class people. They were anticlerical, and they advocated moderate social reforms, labor legislation, taxes on wealth, and democratic reforms. The Socialists and Communists formed the extreme Left. In the Center were parties whose views were Rightist on some issues and Leftist on others. The Democratic Alliance, which was an organization coordinating the activities of several parties, was the dominant Center group. By 1940 the Center had largely become aligned

² The tense political situation in 1945 and the gravity of the issues at stake resulted in a distinct departure from the old rule. The Communists in particular were welded into a compact group, functioning as such in the effort to capture the elections.

with the Right. Yet the Popular Democratic or Social Catholic Party was a Center party which tended toward the Left. This strongly antifascist party emphasized Christian social principles.

Political Organizations.—In addition to political parties, a bewildering number of organizations such as employers' associations, labor unions, youth movements, and leagues representing various interests contributed in varying degrees to French political life.

EXECUTIVE ORGANIZATION

President of the Republic.—The President was the chief of state and titular executive head of all the departments and activities of the nation. He was chosen for a seven-year term of office by a majority of the National Assembly.

Constitutionally and in theory the President enjoyed full executive power. In actual fact, his powers were of no real significance, since his official decrees had to be countersigned by a responsible minister. His suspensive veto over legislation was allowed to fall into complete disuse. His most important governmental function was the selection of a new Premier when a ministry fell. Because of the multiparty system, the exercise of this apparently simple power demanded a highly sensitive finger on the nation's political pulse. He sat as chairman of the Council of Ministers, in which he had no vote, but he did have an opportunity to express an opinion.

In fairness it must be noted that the President occasionally had an opportunity to render the Republic great service. He was one element of continuity in the government. Primarily a national leader, above and beyond the storms of partisan politics, the President, if he was a forceful individual, could sometimes rally the nation in the face of a crisis. Unfortunately, few of France's twelve presidents since 1875 were strong leaders.³

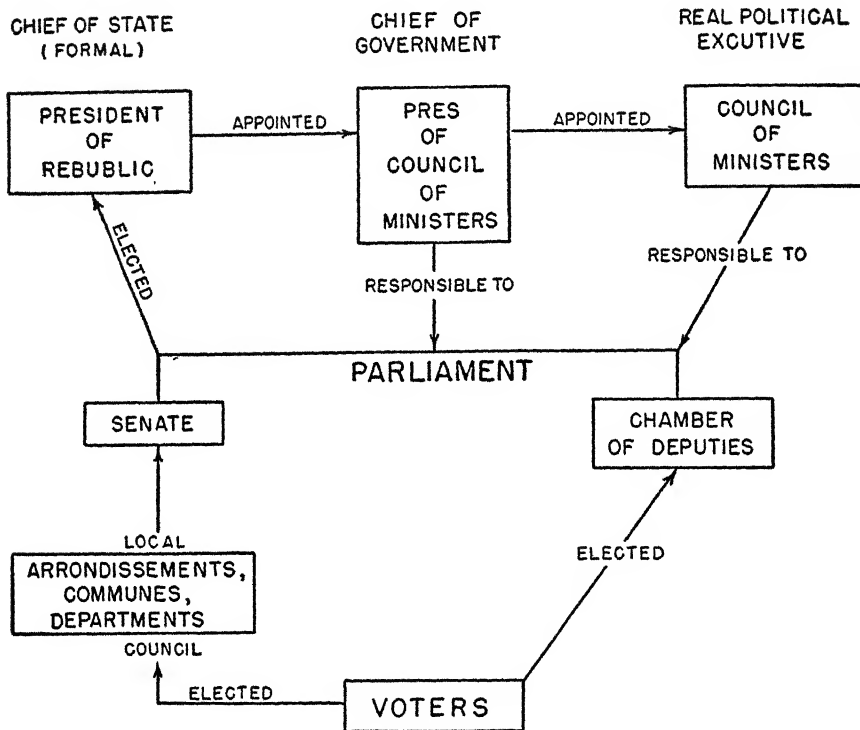
The Council of Ministers or Cabinet.⁴—The President of the Republic selected the President of the Council of Ministers, spoken of usually as the

³ Casimir-Perier (1894-1895) became disgusted with the futility of his role and resigned. Raymond Poincaré (1913-1920) rendered sterling service to the Republic during the difficult World War I days. Alexander Millerand (1920-1924) interfered too sharply in political matters and was forced to resign. Albert Lebrun, originally elected in 1932, was re-elected for a second seven year term in May, 1939.

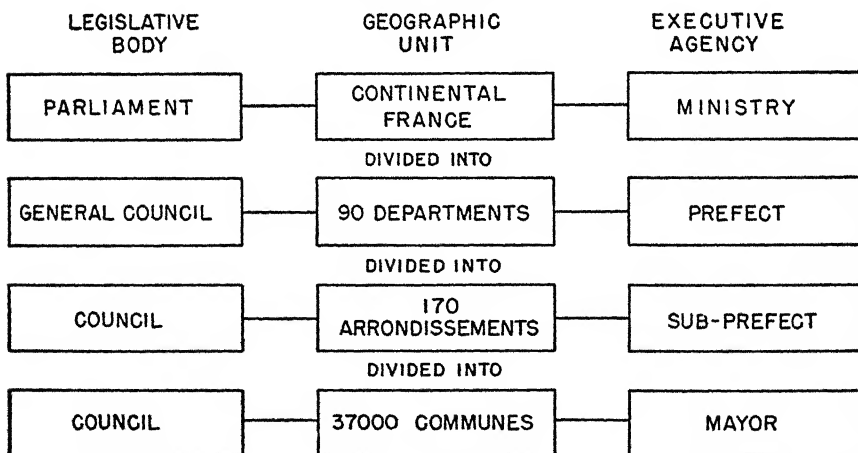
⁴ When the ministers met under the chairmanship of the President of the Republic, they were known as the Council of Ministers. In other cases, when the Premier presided over a meeting of the ministers the same body was called the Cabinet Council. The President of the Republic did not vote when he presided. Most decisions were made in the informal Cabinet Council or Cabinet and were ratified formally when its members met as the Council of Ministers, since the latter body was the only one of the two which was recognized in constitutional law. At the same time, business relating to appointments, decrees, foreign policy, and national defense was discussed in the Council of Ministers.

NATIONAL GOVERNMENT OF FRANCE

THIRD REPUBLIC



STRUCTURE OF GOVERNMENT



Premier. Nominally a neutral in partisan politics, the President usually sought the advice of the President of the Senate and the President of the Chamber of Deputies and other important political leaders in making his selection. The Premier usually came from the lower house.

The Premier selected the members of his Council of Ministers, or Cabinet. Although ministers usually were members of Parliament, such membership was not necessary. The ministers headed the several administrative departments. Premiers habitually kept for themselves the portfolio of either the Ministry of the Interior, which carried the greatest patronage, or the Ministry of Foreign Affairs, which carried the greatest prestige. In selecting his colleagues, the Premier was guided not by his own desires so much as by political expediency. In order to command a majority in Parliament, he had to placate many divergent groups by giving them representation in his Cabinet. The ministers did not render the Premier any particular respect or loyalty; hence there was a lack of Cabinet solidarity. Each Cabinet varied in size, an average one having about twenty members.

The Responsibility of the Cabinet.—The constitutional laws of 1875 provided that the ministers were collectively to be responsible to the Parliament for the general policy of the government, and individually for their personal acts. Usage in time modified this rule to mean responsibility to the Chamber of Deputies, although the Senate did occasionally force a Cabinet to resign. The existing Cabinet would resign whenever it was given an adverse vote of confidence by either house and a new Cabinet would be formed. This did not mean that an entirely new set of ministers would appear; in general, many of the previous ministers would be found in the new Cabinet, whose policies would differ little from those of its predecessor. Oddly enough, a repeater frequently headed a different administrative department in the new government.

Although they occupied the positions which wielded the greatest power, the Premier and the ministers did not enjoy an altogether enviable status. Their tenure of office was precarious in the extreme; at any moment they might be voted out of power. Unfortunately for all concerned, there were always individuals and groups who were working for the downfall of the existing government. The two especially effective parliamentary practices available to such groups were the "questions" and the "interpellations," addressed to one of the ministers on the floor of Parliament. Unless there were reasons of state that made it inadvisable to answer publicly, the minister was compelled to do so. These questions were often constructive, but the privilege was greatly abused in that many questions obviously were asked with the single purpose of embarrassing the Cabinet.

The Civil Service.—Civil servants gave the Third Republic a stability in its administrative functions which the transient Cabinets could not possibly provide. These were the great mass of the bureaucracy from the undersecretaries of ministries down to the lowliest officials who devoted a lifetime to public office. Senior members of the bureaucracy looked with some condescension upon politicians who were assigned to head executive departments about which they knew little. In practice the ranking career men in the departments made all decisions except political ones.

A government so highly centralized necessarily entailed a vast bureaucracy, numbering in fact more than a half-million officials. Candidates for positions were subjected to strict competitive examinations. The efficiency of the civil service and its amenability to political controls compared favorably with those of other leading nations. It had a tendency, particularly at its top levels, to exercise a strongly conservative influence on national politics.

JUDICIAL ORGANIZATION

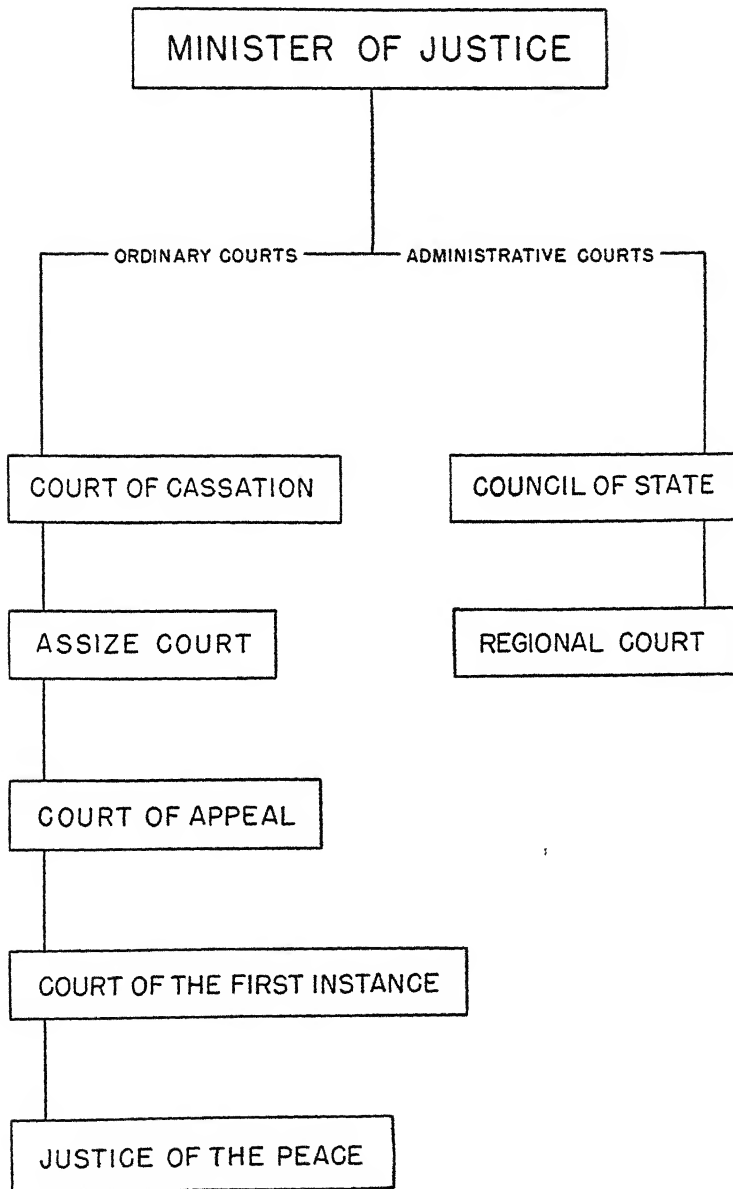
Legal Basis of Courts and Judgeships.—French courts were created by ordinary statute, not by the constitution, and could be modified or curtailed in the same way. No French court had the power to nullify the acts of Parliament. The average citizen, moreover, considered the courts as administrative agencies rather than as the guardians of inalienable rights.

Judges were recommended for appointment to their positions by the Minister of Justice. In most instances their term of office was for life. Students of the law prepared specifically for the career of a judge, as contrasted with a career as a practicing lawyer, and selected their courses of study accordingly. If they chose to become judges, they sought positions in the service, sometimes without pay, and gradually worked up through the hierarchy of the system.

The Dual System of Courts.—Structurally, the French court system had a dual nature, embracing two entirely separate systems of law and courts. What were called “administrative” law and “administrative” courts dealt with the conduct of public officials acting in their official capacity and with the validity of administrative rulings and decisions. The “ordinary” courts handled cases in which private citizens were involved in civil disputes or in criminal action. They utilized the civil and criminal codes of law. The whole court structure was under the supervision of the Minister of Justice.

Ordinary Courts.—In the ordinary court system, Justices of the Peace (*Juges de Paix*) handled civil cases involving small sums and petty crimes. Courts of the First Instance (*Tribunaux d'Arrondissement*) were organized

COURTS UNDER THE THIRD REPUBLIC



in the *arrondissements* for similar types of cases of a slightly graver nature. Courts of Appeal (*Cours d'Appel*) were next in the scale; their jurisdiction was the civil and criminal cases of one to seven departments. They had an indictment section similar to an American grand jury. Each department had an Assize Court (*Cour d'Assise*) to handle grave criminal cases. This was the only French court which used the jury system. In its procedure the jury determined the questions of guilt by a majority vote. At the summit of the ordinary court system stood the Court of Cassation (*Cour de Cassation*). This court was divided into sections and had about fifty judges. It heard appeals only. When it reversed a lower court's decision, it returned the case to a similar lower court for retrial.

Administrative Courts.—These consisted of two types: Regional Courts (*Conseils de Préfecture*), which handled cases involving the public officials in a group of French departments; and the Council of State (*Conseil d'Etat*), which served as the highest administrative court. The latter heard appeals from the Regional Courts and had original jurisdiction in certain instances.

Court Procedure.—French judicial procedure differed markedly from English and American practice. The latter places emphasis on the individual's rights, while the former emphasized the protection of society's interests. Under the French "inquisitorial" procedure neither the accused nor anyone else might refuse to testify upon the grounds that he might incriminate himself. His only safeguard in this respect was his right to refuse to testify except in the presence of his lawyer. The rules of evidence allowed great latitude in testimony; witnesses were permitted to offer hearsay evidence, or even to voice merely their own personal suspicions. French juries sometimes called the judge to the jury room to ask and to be told what penalty would probably be inflicted if a particular verdict were returned. Yet the system had the advantage of accelerating court decisions.

Codes of Law.—The ordinary law of France was based upon the Napoleonic codes of law, revised and amended repeatedly with the passing years. It was uniform throughout the entire country. Unlike British common law, French ordinary law was written law—every law was a statute.

LOCAL GOVERNMENT

Continuity in Local Government.—From the time of its reorganization during the French revolutionary period, local government in France has had a vitality that has made it virtually immune to the effects of passing political storms. Political upheavals in France have had to do almost entirely with the national government and the city of Paris. While empires, monarchies,

and republics came and went, the French system of local government remained substantially the same. Under the Third Republic its principal changes were in the direction of more democratic procedures.

Centralization.—Local government was highly centralized, with most of its officials appointed or otherwise controlled by the national ministries. Geographically, the units of local administration were the departments (*départements*), *arrondissements*, cantons, and communes. The chief political official of the department was the prefect (*préfet*). He was the local agent of the Minister of Interior, and supervised national employees in his area. *Arrondissements* were principally administrative, judicial, and electoral subdivisions of the departments. They were administered by sub-prefects. Cantons were areas for police control, taxation, elections, and army recruiting. The communes were rural or urban units of township government, headed by mayors elected by the municipal councils. In each of these areas, except the cantons, there were elective councils with limited advisory powers.

CIVIL RIGHTS

Freedom of the Individual Citizen.—The Third Republic was a democratic government in a very literal sense. Under it the French citizen enjoyed such rights as equality before the law and guarantees of personal liberty—freedom from arbitrary imprisonment, freedom to hold property or to work where he chose, freedom of speech, freedom of the press, freedom of conscience, and freedom to participate in meetings or to form associations. These rights were subject to some limitation in wartime. Thus, the Communist Party was formally suppressed soon after the outbreak of World War II.

The most conspicuous duty of able-bodied male citizens, beyond conforming with the laws, rules, and regulations enacted by competent authorities, was that of performing a period of compulsory military service.

THE FRENCH EMPIRE

Acquisition of Territories.—When the government of the Third Republic was established, French territories included only a few remnants of the French Empire of the eighteenth century. These included the islands of Guadeloupe, Martinique, St. Pierre, and Miquelon, and French Guiana on the mainland in America. Although France had lost most of India, she had been able to retain a few trading posts there. The old French colony of Réunion Island in the Indian Ocean had remained in French hands. In addition to these small areas, Algeria had been acquired under King Louis

Philippe; Emperor Napoleon III had secured New Caledonia and a part of Indo-China. With these relatively small possessions as a beginning, the Third Republic created within a few years a colonial empire whose extent was second only to that of Great Britain.

In 1881 a French expedition was dispatched from Algeria into the neighboring state of Tunis, whose ruler was obliged to submit to a protectorate. In 1883-1885 China was compelled to consent to a French protectorate over her remaining vassal states in Indo-China—Annam and Tongking. In the same years the Somali sultans agreed to French possession of French Somaliland. Great Britain and France took joint control of the New Hebrides, and both countries claimed other Oceania islands. Madagascar was forced to submit to French control, and a little later, areas along the Congo and Niger rivers were added to the expanding French Empire, then vast stretches of the Sahara and the western Sudan were explored and linked up with Algeria and Tunisia on the north and with the Congo, Niger, and Senegal territories in the south and west. The Negro kingdom of Dahomey was acquired in 1892, and in 1912 the greater part of Morocco was made a French protectorate.

After World War I, France was given limited control of parts of the former German African territories, Togo and Cameroons, and a part of the former Ottoman Empire's possessions, Syria and Lebanon, under a mandate from the League of Nations.

French Colonial Government.—Governmentally the African territories were divided into the six great administrative divisions of Algeria, Tunisia, Morocco, French West Africa, French Equatorial Africa, and Madagascar. Although no French colony was self-governing, certain colonies such as Algeria were treated as integral parts of France, and French colonists and citizens, including certain categories of natives within them, were privileged to elect representatives to the French Parliament. For local government purposes these areas were organized into departments and governed according to the pattern established in France. The colonies which were governed in this manner were Réunion, Martinique, Guadeloupe, the trading posts of India, Senegal, Guiana, and Cochin-China in French Indo-China. In the protectorates of Tunisia, Morocco, and the remainder of Indo-China the authority of France was exercised by the Foreign Ministry and indirectly through native princes and French residents-general. In colonies like West Africa, Equatorial Africa, and Madagascar, a French governor-general ruled with the advice of part-native councils. The mandated territories were occupied by French troops and were governed under the Foreign Ministry.

The overseas Empire brought considerable advantage to French industrialists and financiers, although the governmental expenditures which France made in acquiring and maintaining the colonies greatly exceeded the income which the state derived from them. Nevertheless, the colonies were a military asset to France in World War I and II, providing troops, supplies, and bases. Their prestige value was also of considerable importance to the French.⁵

ARMED FORCES

High Command.—France's armed forces normally functioned under the control of the Premier and the Ministers of War, Marine, and Air. Defense activities were coordinated by a Supreme Council of National Defense, consisting of all members of the Cabinet, the Chiefs of Staff of the Army and Navy, the Undersecretary of State, and the Inspector of Anti-Aircraft Defense.

Army.—The French Army was divided into the Metropolitan Army, which had active, reserve, and territorial components; and the Colonial Army, consisting of white troops, recruited by voluntary enlistment, and conscripted native troops. The strength of the Metropolitan Army was maintained by conscription of all able-bodied Frenchmen at the age of twenty-one for periods of service lasting from one to three years.

The Army as a whole was under the control of the Minister of War, but appropriations for the Colonial Army for troops other than those maintained in Algeria, Tunis, and Morocco were included in the budget of the Ministry for the Colonies. For administration of the Army, France was divided into the military government of Paris and eighteen army corps areas. To meet the German invasion of 1940, the French had only eighty-nine divisions available. They comprised one armored division, three light mechanized divisions, five mounted cavalry divisions, and eighty infantry divisions.

Navy.—The French Navy was under the control of the Minister of Marine and his Chief of Staff. The central administration included directorates of staff, supplies, artillery, construction, finance, submarine defenses, air service, and hydrography.

The Navy was manned partly by conscription and partly by voluntary enlistment. France had the largest Navy of any continental European nation. Her margin over Italy's naval strength was small. Because of the necessity of splitting her forces between the Atlantic and the Mediterranean, France was markedly inferior to Italy in the latter.

⁵ A map of the Colonial Empire of France will be found in the end paper at the back of this volume.

Air Force.—The French Air Force was a separate entity under the Air Ministry. It was administered through five geographical regional organizations for France, plus several colonial ones. It cooperated with both the Army and the Navy. In 1939 France had three thousand first-line planes and one thousand reserve planes. Both quality and quantity were seriously inferior to those of the German Air Force of that day.

FOREIGN AFFAIRS

The Struggle for Security.—After World War I the foreign policy of France was directed toward maintaining the security of the nation by preventing any revival of German military power. "Security" was the guiding slogan of French Foreign Ministers. Since the political, territorial, and military clauses of the Versailles Treaty afforded a large measure of security from a German threat, the French government insisted on maintaining the treaty intact. Germany was kept diplomatically isolated within the established boundaries, and disarmed. France demanded the full execution of German economic and financial commitments under the Treaty. When the latter nation defaulted on her payment of reparations in 1923, French and Belgian armies occupied the Ruhr Valley as a means of coercing the Weimar Republic.

To maintain French security, new fortifications were erected on the eastern frontier. The Army was maintained at a high level of technical efficiency. New allies were sought when France failed in her attempt to complete a military alliance with the United States and Great Britain. She began to conclude defensive alliances with the states bordering Germany. Belgium and Poland became allies, since they, too, feared a revived Germany and a Soviet Union of ever-increasing strength. In southeastern Europe the Little Entente—Czechoslovakia, Yugoslavia, and Rumania—joined the growing cordon of French power around Germany's frontiers.

Conciliatory Years, 1926–1933.—It was only after 1924 that France felt sufficiently secure to relax from her frantic efforts to build bulwarks against her Teutonic neighbor. She based her hopes on the successful development of new, peaceful trends appearing in the German government, symbolized by Gustav Stresemann's foreign policy. In that year she accepted the Dawes Plan for reducing German reparation obligations and agreed to evacuate the Ruhr Valley. In a friendly interlude of the next year both nations agreed at Locarno to guarantee their frontier as it then stood. In 1926 Germany entered the League of Nations, and four years later the Rhineland was evacuated by French troops, five years before the specified time. Although some opposition was expressed to this more conciliatory policy, French leaders

never tempted the opposition to full nationalistic fury by permitting any suggestion of equality of armaments or frontier revision to enter their proposals. They were ever conscious of the necessity of maintaining strategic security.

Prelude to War, 1933-1939.—The year 1933 inaugurated a new and disastrous period in the European political situation. The conciliatory trends of German policy were reversed with the collapse of the Weimar Republic and the rise of Adolf Hitler's Nazi Party to power. Hitler was determined to destroy the further application of the Versailles Treaty to Germany and to create anew German armed might. Both of these policies threatened French security. In 1933 the Geneva Disarmament Conference failed when the irreconcilable conflict between the French and German views as to the military strength of each, added to the serious differences which separated the other Great Powers, made agreement impossible. Hitler bolted the conference and began to rearm without regard to the treaty restrictions imposed on Germany at Versailles.

As German truculence increased and German military power grew, French willingness to meet force with force to maintain the *status quo* diminished. An unstable balance between political extremes in Parliament rendered difficult the development of any strong and consistent French policy. The rise of fascist groups in France contributed to the confusion and paralysis. Soon it was obvious that the new issue was no longer one of keeping a weak Germany in subjection, but rather that of preserving the remnants of security and checkmating a strong, rearmed, defiant German Reich. The French nation moved blindly, with faltering steps and uncertain guidance, to meet its new problems.

France's policy of retreat and appeasement is partly traceable to the steadily increasing withdrawal of Britain from European affairs. In 1938 the British could with difficulty have mustered an expeditionary land force of three divisions, and her air force—on a relative basis—was little stronger. An added factor was Britain's desire to see Germany restored to a degree of economic health which would make her a good customer. France, thrown back on her own resources and fearful of finding herself standing alone in a major crisis, was thus stopped from exercising the political and military pressure which could at least have checked the ebullient renaissance of German power after 1933.

In 1934 Poland was driven by fear to sign a nonaggression pact with Germany, thereby showing her doubt concerning her French alliance. But France took some positive steps. She built the Maginot Line of defenses along her eastern frontier, she signed in 1935 mutual assistance pacts

with the Union of Soviet Socialist Republics, and she was able to reaffirm her alliance with Poland in 1936.

However, French policy finally simmered down to a desperate desire to preserve peace. Concession, born of weakness, became the spirit of the times. Both England and France stood aside while Germany rearmed and only limited French economic sanctions were imposed on Italy for her aggression against Ethiopia. In order to placate Italy, France acquiesced in Italian designs upon Ethiopia and helped to undermine the League of Nations effort to maintain a collective security program. When Hitler remilitarized the Rhineland in 1936 and the French General Staff demanded counteroccupation of the same area, as was permitted by the Versailles Treaty, the leaders of the government decided to dispatch merely a formal note of protest. They reasoned that mobilization would be expensive and that it would threaten war.

France lost prestige rapidly after 1936. The Little Entente was weakened by the rapidly shifting balance of forces in Europe. German influence in the Balkans grew. Yugoslavia renounced her traditional alliance with France. Belgium terminated her military alliance with France and became neutral.

Although Italy had leaned toward France and Great Britain from fear that Hitler would seize Austria, she shifted her position as a result of German cooperation in the Ethiopian War and arrived at a closer understanding with Germany. Cordial relations between the German and Italian dictators grew into the Rome-Berlin Axis. The antidemocratic, anti-French nature of this combination became apparent in the Axis support of the revolt, in 1936, of General Francisco Franco against the Spanish government. Both of the Axis nations openly aided the revolt in the Civil War which followed, and they were able to maneuver the British and French governments into a position of nonintervention to protect their interests. There were two reasons for this: French public opinion was divided as to the danger of Fascism, and French leaders feared the risk of becoming involved in war. In consequence, the Axis powers established an unfriendly Fascist government on France's southern frontier.

Bolder aggressive Axis moves followed in quick succession to threaten France. In each case they were met by weak French countermoves. In March, 1938, Germany absorbed Austria, weakening France's ally Czechoslovakia. In September of the same year Nazi diplomacy and threats resulted in the Munich Conference in which Germany was "appeased" and "peace" was maintained at the cost of Czechoslovakia's Sudetenland. Soon afterward Hungary and Poland took more Czech territory, and in March,

1939, the German armies occupied what was left. Italy, meanwhile, had begun to clamor for the French territories of Savoy, Nice, Corsica, and Tunisia. At the same time, Japan, who was associated with the Axis powers, threatened to seize French Indo-China.

The steady growth of anticommunism in France during the thirties and its expression in governmental action were very important factors in the deterioration of French foreign policy with respect to her traditional cooperation with Russia. When the Soviet Union was not consulted in the diplomatic activity which preceded the Munich Conference that nation disregarded her French alliance and began to pursue her separate way in European affairs. France, meantime, had tried to secure her interests by keeping up the strength of her armies and by signing a strong military alliance with Great Britain in 1938.

War Years, 1939-1940.—One of the principal reasons for the weakness of French policy in the face of the growing threats to her security was her internal political situation. Within France the native pro-Fascists and anti-Fascists hated each other so passionately that their concern for foreign dangers paled to modest proportions. As the Axis aggressions mounted, however, it became very clear that strong measures of internal unity and control would be necessary if France were to meet the threats.

Four days after the German occupation of Czechoslovakia, the French Parliament granted Premier Edouard Daladier power to rule the nation by decree without the necessity of obtaining parliamentary approval for his actions. Hasty efforts were made to bolster the strength of France. In June, 1939, Daladier suspended the 1940 parliamentary elections. Thus, the government of France became one of executive domination. The Premier's power to rule by decree was limited only by Parliament's right to retract its grant of power.

The government hastily joined Great Britain in an effort to reconstruct its alliances. In turn it affirmed with Poland, Rumania, Greece, and Turkey agreements guaranteeing material aid.

Germany's attack on Poland, September, 1939, was followed within two days by France's declaration of war against Germany. The momentary enthusiasm and relief of the French people over this settlement of the issue was soon replaced by doubts, apathy, and defeatism. There was no real sense of national unity as in 1914. Indeed, an important segment of the populace was secretly sympathetic with Hitler's program as a counterpoise to the growing menace of extreme leftism in France and neighboring countries. The French, moreover, had little faith in their leaders or the efficiency of their armed forces. On both scores, their fears soon justified

themselves. As the results showed, France defeated herself before the first German soldier crossed her border. Her preparations for suicide were well aided and abetted by the highly efficient work of Germany's fifth columnists who, for ten years past, had fomented internal discord and otherwise undermined France's ability to defend herself.

THE DEFEAT OF FRANCE

War Decrees.—The decree power of the Daladier Cabinet was used to institute necessary governmental controls over the nation. The press was censored and other repressive measures were taken to end defeatist and pacifist propaganda which was assiduously circulated by German agents, German sympathizers, Communists, and pacifists. Communist news organs were suppressed and the Communist Party, which had polled over a million votes in 1936, was dissolved. Of the seventy-two Communist deputies in the Parliament, thirty-six, in a secret military trial, were sentenced to prison terms.

In other fields, drastic action was taken. Prices were regulated, and workers in government-requisitioned factories were forbidden to quit their jobs.

War Cabinets.—In spite of the pressing war dangers, little political harmony prevailed in the national government. The Daladier Cabinet was supplanted by the Cabinet of Paul Reynaud on March 19, 1940. Reynaud worked mightily for political unity and effective action. To make the government more efficient he organized a War Cabinet, composed of himself, Vice-Premier Camille Chautemps, and the Ministers of War, Air, Marine, Finance, Armaments, Blockade, and Colonies. He established an Economic Committee in the Cabinet to coordinate activities in that field. Daladier had earlier organized new Ministries of Armaments and of Blockade. In order to obtain closer collaboration with Great Britain, an Anglo-French Parliamentary Committee, an Anglo-French Committee of Coordination, and an Anglo-French Workers' War Council were established.

French Defeat.—The well-prepared German offensive against the Netherlands, Belgium, and France began on May 10, 1940. French defenses crumbled rapidly as the German Army swept from Sedan to the English Channel in a matter of days. In a last-minute futile gesture, French armament and airplane factories were placed on a twenty-four hour basis. General Maxime Weygand was called from Syria to replace General Gustave Gamelin as Commander-in-Chief of the French Armies, and Marshal Henri Philippe Pétain was called from the Spanish ambassadorship to become Vice-Premier. Both Weygand and Pétain were heroes of World

War I, and it was hoped that their experience and their prestige would contribute to the strength of the faltering nation. General Charles de Gaulle, long an advocate of mechanization, was called into the War Ministry as Undersecretary of War.

On June 10 the Germans demolished the improvised defenses along the Somme River and moved southward. On the same day Italy declared war on France; whereupon the French government evacuated Paris and went to Tours and then fled to Bordeaux. There it secured British consent to make a separate peace with Germany provided that the French fleet would be sent to British ports and held there during the negotiations. The proviso was never agreed upon. In a final effort to persuade France to continue the struggle the British government formally proposed an "indissoluble union" of the British and French Empires, with a joint constitution, a single cabinet, a combined parliament, and a common citizenship. This offer was rejected. The Reynaud Cabinet was unable to decide whether it should move to North Africa and continue the war or whether it should sue for peace. Reynaud resigned and a new Cabinet was formed under the leadership of Marshal Pétain, who decided to open negotiations for peace. When the British government reminded the Pétain Cabinet that France had been released from her alliance obligation only on the condition that the French fleet be sent to British ports, the British were assured that the fleet would never be allowed to fall into German or Italian hands.

A group of members of the French Parliament went to Casablanca with the idea of continuing the war but Pétain ordered them arrested on arrival. General de Gaulle went to London. There he formed a French National Committee (the "Free French" and later the "Fighting French" movement) to carry on the war in alliance with Great Britain. He declared that France could not honorably surrender while she had at her disposal a vast empire with large military resources, a fleet, and large gold reserves. The British government recognized his movement and aided it, but the Pétain government sentenced him to death, *in absentia*, for plotting against France.

The Armistice.—On June 22 a French peace delegation, representing the Pétain government, signed an Armistice with Germany. Three days later the same delegation signed a similar agreement with Italy. Both of these agreements became effective on June 25, 1940.

Under the Armistice (1) the German Army occupied the northern half of France and the entire coast on the English Channel and the Atlantic Ocean, (2) all factories, mines, and transportation facilities in this region were placed at the disposal of the occupying forces, (3) Germany and Italy

held all French war prisoners pending the conclusion of a peace, (4) France was required to release all Axis war prisoners, (5) Germany reserved the right to denounce the Armistice, if in the judgment of the German government, France did not fulfill all of its terms, and (6) the Franco-Italian frontier was demilitarized on the French side.

The Vichy Government

1940–1944

THE ESTABLISHMENT OF THE VICHY REGIME

The End of the Third Republic.—The capitulation of France effectively destroyed the Third Republic. At the end of June, 1940, Marshal Pétain moved the seat of his government from Bordeaux to the city of Vichy. There on July 9, 1940, the remnant of the Chamber of Deputies by a vote of 395 to 3 (total membership 618) and of the Senate by a vote of 225 to 1 (total membership 314) convened the National Assembly to amend the constitution. On July 10 the National Assembly adopted the following resolution by a vote of 569 to 80:

The National Assembly confers full power on the Government of the Republic, under the authority and signature of Marshal Pétain, with a view to promulgating in one or several decrees a new Constitution for the French State. The Constitution must safeguard the rights of labor, family and native land.

It will be ratified by the Nation and applied by the Assemblies which it shall create.

This resolution completely changed the constitution of France. Marshal Pétain became a virtual dictator surrounded by men of reactionary political views in harmony with his own. The government was no longer responsible to the Parliament and its continuance in no way depended on the approval of either of the legislative chambers. Thus, the Third Republic ceased to exist.

The Constitutional Acts.—The proposed constitution was never promulgated. Instead, Marshal Pétain issued a series of constitutional acts defining his powers and those of his government. The first of these declared that Pétain assumed the functions of Chief of State, a new title especially created for him. The second gave him plenary governmental powers, under which he could appoint and remove ministers, promulgate

The First Two Constitutional Acts Of The Vichy Government

Constitutional Act No. 1 constitutes the acceptance by Marshal Pétain of the power granted to him by the Constitutional Law of July 10, 1940, and reads as follows:

We, Philippe Pétain, Marshal of France,
By authority of the Constitutional Law of July 10, 1940,
Declare that we assume the functions of Chief of the French State.

Therefore, we decree:

Article 2 of the Constitutional Law of February 25, 1875, shall be repealed.

[The text of this article is as follows: "The President of the Republic shall be elected through majority vote by the Senate and Chamber of Deputies convened in National Assembly. He shall be chosen for seven years. He shall be re-eligible."]

Done at Vichy, July 11, 1940.

Ph. Pétain.

Constitutional Act No. 2 deals with the powers of the Chief of the French State, and reads as follows:

We, Marshal of France, Chief of the French State,
By authority of the Constitutional Law of July 10, 1940,

Decree:

Article 1. (1) The Chief of the French State shall have plenary governmental powers. He shall appoint and remove Ministers and Secretaries of State, who shall be responsible only to him.

(2) He shall in ministerial council exercise legislative power:

a. Until the formation of new Assemblies;

b. After such formation, in case of foreign tension or of grave internal crisis, upon his decision alone and in the same form. In the same circumstances, he shall have power to decree all stipulations of a budgetary and fiscal nature.

(3) He shall promulgate the laws and see to their execution.

(4) He shall fill all civil and military positions for which no other method of choice has been provided by law.

(5) He shall command the armed forces.

(6) He shall have the right of pardon and amnesty.

(7) Envoys and ambassadors of foreign powers shall be accredited to him.

(8) He shall have the power to declare martial law in one or more parts of the land.

(9) He shall not have power to declare war without the previous assent of the Legislative Assemblies.

Article 2. There shall be repealed all stipulations of the Constitutional Laws of February 24, 1875, February 25, 1875, and July 16, 1875, inconsistent with the present act. *[This refers, for the most part, to various provisions vesting similar powers in the President of the Republic.]*

Done at Vichy, July 11, 1940.

Ph. Pétain.

and execute laws, command the armed forces, conduct foreign relations, and declare martial law. The third act adjourned the Senate and Chamber of Deputies and permitted them to meet only in the event that they were convened by the Chief of State. They never were called into session. Later acts named Pierre Laval and then Admiral Jean François Darlan, successively, as the successors of the Chief of State in the event of the incapacity of that official, created a Supreme Court, defined the responsibilities of government officials, and compelled them to swear fidelity to the Chief of State. The eleventh constitutional act of April, 1942, created the office of Chief of Government and conferred upon its holder "actual direction of the internal and foreign policy of France." The twelfth and final act, November 18, 1942, gave the Chief of Government power to make laws and issue them on his signature alone. It repealed the act naming Admiral Darlan as the successor to Pétain and stated that in the event of the permanent incapacity of the Chief of State the Cabinet should name his successor within a month by majority vote.

Zones of Control.—Until November, 1942, when American and British forces landed in North Africa, the German Army restricted its occupation of France to the northwestern territory assigned to German control by the armistice and known as the "occupied" or Paris zone. It utilized local French officials who were willing to collaborate with it and it governed the occupied zone from Paris.

The Vichy government was permitted to control southeastern France under such restrictions as the German government laid down. Both because of the inclinations of the Vichy leaders and because of the German pressure, the Vichy government collaborated with the Nazis. At the same time, it was given a free hand in local and in many state matters.

After the Anglo-American invasion of North Africa the German Army occupied the Vichy zone as well as the Paris zone. Germany continued to let the Vichy collaborationists administer civil government, but the German authorities dominated the French police and French economic life. With the growing possibility of Allied invasion of France, the authority of the Vichy government was reduced to a minimum. In addition the Vichy government had by 1943 lost all control over the former French Empire.

THE STRUCTURE OF THE VICHY GOVERNMENT

Changes in the Vichy Leadership.—The establishment of the Vichy government under Marshal Pétain gave rise to the vain hope in some quarters that he would become the dominant figure whose prestige would render his position unassailable. However, German pressure and the intrigues of

French defeatists and pro-Fascists brought about the emergence to a position of considerable importance of Vice-Premier Pierre Laval. As a leading adherent to the collaborationist principle his disproportionate influence in the regime continued until he was dismissed by Pétain and supplanted by Admiral Jean François Darlan in December, 1940. In April, 1942, Laval was restored to power as Chief of Government, the new office which gave him authority in internal and foreign affairs, limited in its dictatorial nature only by a greatly weakened personal responsibility to the Chief of State, Pétain. In his position Laval became the dominant figure of the Vichy government until its flight from France in August, 1944.

Executive Organization.—Marshal Pétain, as Chief of State, legally possessed complete executive and legislative powers. Ministers and other officials were appointed by and responsible to him alone. He served at his own pleasure and had power to designate his successor. In addition, he had the authority to promulgate constitutional acts by personal decree. When in the spring of 1942 German demands forced Pétain into a figurehead position, his executive powers devolved upon Chief of Government Laval. The latter was made responsible to Pétain in a constitutional and figurative, but not in an actual, sense.

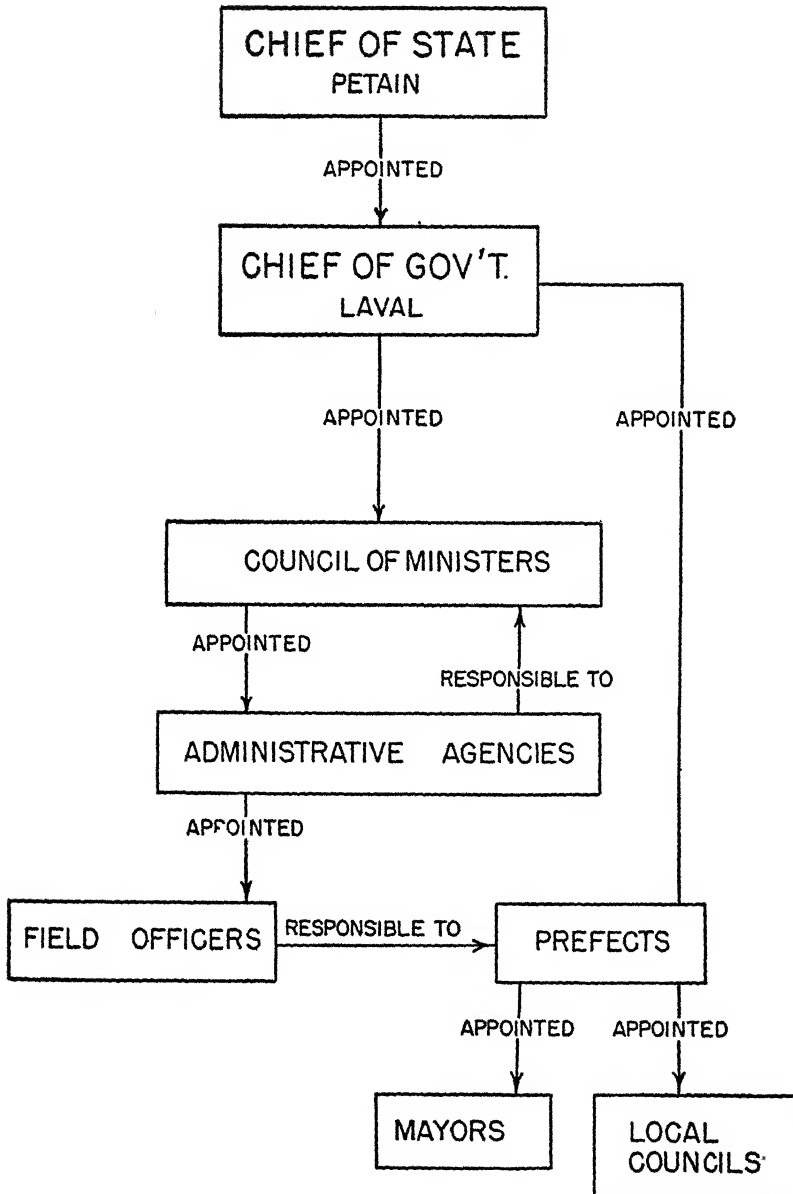
The Council of Ministers or Cabinet of the Third Republic was retained under the Vichy regime. The six ministers of the Cabinet were responsible only to the Chief of State, later to the Chief of Government, and as a result had more influence over their ministries than did the ministers of the Third Republic. A number of General Secretariats was created for the handling of special problems in the central administration. The chiefs of these Secretariats, called Secretaries of State, were responsible to the head of the ministry to which they were attached.

Legislative Organization.—The Senate and Chamber of the Third Republic were indefinitely adjourned by Pétain. Their members were paid salaries until June, 1942, after which both bodies were abolished. The assemblies supposed to be created by the proposed constitution of the Vichy regime never came into being.

A National Council (*Conseil National*) was proclaimed by Marshal Pétain early in 1941. Although it had been devised as an expedient, giving a semblance of popular representation in the government, the National Council had no power of initiative or of legislative action. Actually, it never even met.

Judicial Organization.—The judicial organization of the Third Republic was largely continued under the Vichy government, although a number of new courts were created and entrusted with the prosecution of special

VICHY GOVERNMENT



offenses. These included a Supreme Court, a Council of Political Justice, a State Tribunal, a Special Criminal Court, and Courts for Curfew Infractions. All judicial officials were required to take an oath of personal loyalty to Pétain.

In 1944 special courts-martial were constituted to aid in crushing the resistance movement. Each of these courts included three members appointed by the Undersecretary of State in charge of the Maintenance of Order. German military tribunals had power to try at their discretion cases involving offenses against the German Army or personnel attached to it, offenses committed in buildings or other space turned over to the German Army, and offenses against German regulations for the security of the Army or the accomplishment of the purposes of the occupation. They were also empowered to try German or Italian nationals accused of minor crimes.

The Vichy French courts enforced German decrees and regulations as the law of the land as well as French law. The German military tribunals applied the German military penal code.

POLITICAL GROUPS

Parliamentary Parties.—Although no official ban was placed upon political parties by the Vichy government, most of them were compelled to withdraw from the political scene. Many of them were, however, subsequently re-formed openly or underground. Although the parties continued to range in political opinion from the Right to the Left, almost all were split between Vichy and the underground resistance, and furnished leaders and supporters to both sides.

Political Formations.—A number of parties, strongly Fascist in nature, appeared under the Vichy regime. The French Popular Party (PPF) under Jacques Doriot, was founded in 1936 for the purpose of fighting the Communist influence in French politics. It came to the forefront after the German attack upon Russia in 1941 and remained one of the leading pro-German, anti-British, and anti-Semitic parties. The National Revolutionary Front (RNF) under Marcel Déat was founded early in 1941 to promote Franco-German collaboration within the new "European economic and social order." It was violently anti-Allied, pro-German, frequently accusing the Vichy regime of insufficient collaboration. Both of these political groups were proscribed after the liberation of France, but have nevertheless been suspected of continuing their underground activities.

LOCAL GOVERNMENT

Departments and Communes.—Under the Vichy regime the depart-

mental prefect was made the sole representative of the Chief of State within the department, and was directly responsible to him. The prefect was advised by an administrative committee. The departmental councils, elective under the Third Republic, were appointed by the Minister of the Interior from among departmental and other local officials. The functions of the new departmental councils were similar to those previously exercised by the elective councils; they had no power to curb the prefect.

In communes of less than two thousand inhabitants the prewar organization of local government was not modified. No further municipal elections were held. The government reserved to itself the right to dissolve the municipal councils and to replace them by special delegations, whose members were appointed by the Minister of the Interior and whose chairmen replaced the former mayors. Mayors and councillors could be suspended by the departmental prefect. In communes of more than two thousand inhabitants, mayors and municipal councillors were no longer elected but were appointed by the departmental prefect or by the Minister of the Interior. Thus, local government was more securely controlled by the central organization.

Regions.—A widely advertised step in the Vichy reorganization was the creation of regions. This step had been suggested under the Third Republic and has been more or less continued under the provisional government of General de Gaulle. Eighteen regions, each including about five departments, were formed, and regional prefects were appointed to coordinate the activities of the several departments included in each region. Their functions were chiefly concerned with police activities and with the production and distribution of food. They administered the activities of all public employees dealing with agriculture, labor, price control, and rationing.

VICHY'S ARMED FORCES

Army.—By the terms of the armistice the armed forces of metropolitan France were restricted to 100,000 men. This force was demobilized after the Germans occupied the whole of France. The German authorities then permitted the organization of a small force of three to four thousand volunteers under the Chief of State, called the First Regiment of France.

Police and Auxiliaries.—Aside from the German occupying forces, Vichy relied primarily for armed support upon its police forces under the centralized control of the Ministry of the Interior. The Vichy police cooperated very closely with and frequently were under the direct control of the German Gestapo and with German military police.

Navy.—With the German occupation of Vichy France in November, 1942, and their attempt to seize the bulk of the French fleet at Toulon, most of the ships were scuttled, blown up, or sabotaged by their crews. The French naval squadron which had been immobilized at Alexandria since the defeat of France joined the North African French and the United Nations. A sizable number of French naval vessels in the ports of French North Africa and French Equatorial Africa went over to the United Nations at the same time.

REPRESSIVE MEASURES

Repression of Civil Rights.—In order to repress possible centers of unrest and in response to German pressure, the Vichy government severely restricted the civil rights which were guaranteed French citizens under the Third Republic. The freedoms of speech, press, and association were completely abolished. Newspapers and the radio were made instruments of official propaganda and were subjected to rigid censorship. Listening to United Nations broadcasts was forbidden and transgressors who were caught were severely punished.

The Vichy government took specific measures against certain categories of French citizens. The Jews suffered most severely and were progressively stripped of all political and economic power by a series of anti-Semitic laws. Former Freemasons also were subject to persecution.

THE END OF THE VICHY REGIME

Flight of the Vichy Government.—After the United Nations invasion of France on June 6, 1944, the Vichy government under Marshal Pétain and Laval adopted a policy of "neutrality" which was more apparent than real. The Paris collaborationists, Jacques Doriot and Marcel Déat, tried to revolt and to form a government in Paris directly under German protection. Laval, to forestall this *coup d'état*, brought Edouard Herriot, President of the Chamber of Deputies of the Third Republic, to Paris in August. Laval's plan was to form a French government which could maintain itself during the transition of France from German control to liberation. German support for the idea was secured on the ground that the new government would keep liberated France neutral. Upon the refusal of Herriot to participate in such a scheme, Laval fled to Germany. In late August the Vichy government, under German pressure, was moved to Belfort, France. The rapid advance of the Allies soon caused it to flee from French soil to Baden, Germany.

The Vichy Government-in-Exile.—In the early part of September, 1944, a French National Committee was established, first at Baden, later at Sigmaringen, Germany, by Pétain, Laval, and other prominent Vichyites. It intended to group under its leadership the approximately three million Frenchmen detained in Germany as hostages, war prisoners, and labor deportees, as well as the inhabitants of those French areas still occupied by Germany. It hoped by this means to force de Gaulle's Provisional Government of the French Republic to make concessions in favor of the Vichy regime. It failed completely and evaporated with the defeat of Germany. Most of its officials were later captured or forced to surrender. Marshal Pétain and Pierre Laval were tried, successively, by a High Court of Justice and sentenced to death. General de Gaulle commuted Pétain's sentence to life imprisonment, but Laval was shot as a traitor.

Provisional Government of the French Republic 1943—

FRENCH ANTI-AXIS MOVEMENTS, JUNE 18, 1940— JUNE 3, 1943

The French National Committee.—General Charles de Gaulle had long and unsuccessfully opposed the defensive strategy of the French Army. An advocate of mechanized warfare and *blitzkrieg* tactics, he was named Undersecretary of War on June 6, 1940, by Premier Paul Reynaud. Refusing to admit French defeat when the French government capitulated, he escaped to England. His London broadcast, "France has lost a battle! But France has not lost the war!" rallied about him large numbers of exiled Frenchmen to form the "Free French," later the "Fighting French," movement.

On September 24, 1941, de Gaulle organized the French National Committee in London to manage the public affairs of the movement. Its objectives were announced as follows: (1) to free the territory of France and her overseas possessions from the German, Italian, and Japanese invaders; and (2) to restore to the French people the full exercise of the liberty and sovereignty of which they had been deprived by the Axis powers and the Vichy regime. General de Gaulle was President of the Committee. To

this Committee adhered those parts of the French Empire and those Frenchmen not under the control of Vichy or the Axis. In the summer of 1940 the French Cameroons, French Equatorial Africa (with the strategic area of the Chad), New Caledonia, and the Pacific Islands joined the Free French movement.

Allied Invasion of North Africa.—The Allied landing in North Africa on November 8, 1942, was made without prior intelligence to the French National Committee. In arriving at their decision to keep the operation a secret, the Allied High Command was guided not only by requirements of security, but also by the fact that the area invaded was controlled by Vichy's representatives. The chances of securing their early switch to the Allied cause were enhanced by the temporary omission of the Free French, Vichy's bitterest enemies, from participation. Immediately after the Allied landing had been made, General Eisenhower's headquarters submitted to Admiral Darlan, Vichy's representative in North Africa, the proposal that he assume authority over Algeria, Morocco, and French West Africa, at the same time ordering the cessation of French resistance. The negotiations were completely successful. Germany reacted at once by taking over "unoccupied" Vichy France. The actions of the Axis helped materially in the establishment of Admiral Darlan's authority, enabling him to declare that Pétain could no longer speak for himself.

French forces in North Africa joined the Anglo-American armies in an attack on Axis-held Tunisia. Effecting a juncture with the British Eighth Army driving west from Egypt, the United Nations forces succeeded in completing the conquest of North Africa by capturing Tunis and Bizerte, the last enemy stronghold in Africa on May 7, 1943.

Admiral Darlan headed the North African government from November 11 until his assassination on December 24, 1942. He pledged full support to the United Nations cause and became High Commissioner of French Africa under their authority, creating an Imperial Council of French Africa as his advisory body. Upon his death, General Henri Honoré Giraud, a French officer who had recently escaped from a German fortress where he had been held as a war prisoner, was elected High Commissioner by the Imperial Council with the approval of the United Nations Commander in North Africa. He held this post from December 27, 1942, to June 3, 1943.

The de Gaullist French National Committee in London, claiming to represent all Frenchmen not under Axis or Vichy control, had meanwhile remained aloof from the French North African regime on the grounds that the latter was under the influence of "collaborationists." The problem of uniting these two anti-Axis and anti-Vichy French authorities became

an increasingly pressing one. A meeting was arranged between Generals Giraud and de Gaulle at the Roosevelt-Churchill conference at Casablanca in January, 1943, in an effort to secure an understanding between the two French leaders. However, full agreement on the consolidation of the two groups was reached only after four more months of negotiation.

THE FRENCH COMMITTEE OF NATIONAL LIBERATION (FCNL), JUNE 3, 1943—JUNE 2, 1944

Structure of the FCNL.—A French Committee of National Liberation (FCNL) which absorbed the Giraud government and the de Gaulle committee was established June 3, 1943. At first, it was composed of Generals Giraud and de Gaulle as co-Presidents and of thirteen additional members or Commissioners. Eventually General de Gaulle became sole President and the membership was repeatedly increased. On April 1, 1944, by unanimous decision, the FCNL reorganized itself to include two Communists and a Socialist. As a result of this move, the FCNL represented every important shade of political opinion in France with the exception only of collaborationists and pro-German elements. This broadened membership was hailed as further strengthening French unity. The FCNL resembled a cabinet, and the commissioners corresponded to cabinet ministers administering governmental departments.

The FCNL directed the French war effort and exercised French sovereignty over all French territories outside Axis control. It organized armed forces and special courts and appointed governing officials of such French colonies, protectorates, and mandates as would recognize its authority. It committed itself to the restoration of "all the French liberties, the laws of the Republic and the republican regime," and to the complete destruction of the Vichy government.

Russia recognized the FCNL as the *de facto* government of France by the end of August, 1943, but the United States and Great Britain granted it only "limited recognition." President Roosevelt expressed the attitude of the United States in these words:

This statement does not constitute recognition of a government of France or of the French Empire by the Government of the United States. It does constitute recognition of the FCNL as functioning within specific limitations during the war. Later on the people of France, in a free and untrammelled manner, will proceed in due course to select their own government. . . .

The Provisional Consultative Assembly.—In September, 1943, the FCNL created a Provisional Consultative Assembly. This body was com-

posed of approximately one hundred members, representing resistance movements both inside and outside France, former parliamentary groups or political parties, and those French territories which were loyal to the FCNL. It functioned not as a legislative organization but as a policy-reviewing and an advisory body. For the purpose of uniting within the new bodies in Algiers representatives of all French elements resisting the Axis, both the FCNL and the Provisional Consultative Assembly were constantly increased and changed in membership.

Policies of General de Gaulle.—Shortly after the creation of the FCNL, the influence of General de Gaulle over it increased to a point of virtual control. The policies which he insisted upon were (1) to put the military power under the civil authority of the FCNL; (2) to unite within the new bodies, constituted in Algiers, representatives of all French resistance; (3) to purge the French administration of former collaborationists and pro-German sympathizers and to arrest, try, and punish them; (4) to annul all Vichy legislation in liberated French territories; and (5) to defend the sovereign rights of France in international politics.

The problem of placing the military power under the civil authorities was complicated by the fact that exceptionally large powers had been vested in General Giraud as Commander-in-Chief of French forces in North Africa following the Anglo-American invasion. General de Gaulle's desire to control the armies in his capacity as the civil head of a French government was encouraged by French underground resistance leaders, arriving in Algiers to take part in the activities of the Provisional Consultative Assembly. After a complicated series of political maneuvers, General de Gaulle emerged in April, 1944, as the sole President of the FCNL with power to direct and coordinate the armed forces.

The Purge of Collaborationists.—The FCNL took the view that the Franco-German armistice of 1940 did not end the war between the two nations and, consequently, that Vichy officials were aiding the enemy by their policy of collaboration. In short, the FCNL considered Vichyites traitors to France. Therefore, it established a Purge Committee to discover and arrest all collaborationists. Later the Commissioners of the FCNL themselves were given power to investigate cases and to insure a complete purge of officials in their ministries. A special Army Military Tribunal was set up at Algiers to try those who had been apprehended.

Foreign Policy.—In the field of international affairs, the FCNL sought (1) full recognition by the United States and Great Britain as the provisional government of France; (2) participation in the liberation of France and in the war against the Axis; (3) inclusion of its demands in the peace

settlements made with Axis countries; and (4) association in the postwar international councils as an equal of the United States, Great Britain, and Russia.

The question of recognition became particularly important in early 1944 when the prospect of Allied invasion of France raised the question of the establishment of a government for liberated French territory. Secretary of State Cordell Hull redefined the policy of the United States by saying that President Roosevelt and he were "disposed to see the FCNL exercise leadership to establish law and order under the supervision of the Allied Commander-in-Chief" in the event of the invasion of France. His declaration, however, specifically pointed out that the FCNL was not the government of France and could not be recognized as such. Nevertheless, the FCNL provided for its own administration of France after liberation in an ordinance, published April 21, 1944. Negotiations were undertaken in London between General Pierre Joseph Koenig, FCNL Delegate for the Northern Theater of Operations, and General Dwight D. Eisenhower, Supreme Allied Commander, in an effort to reach some agreement on the government of liberated France. Since the United States and Great Britain were not sure that the FCNL represented the French nation, the discussions proceeded very slowly.

The FCNL participated in the armistice negotiations between the United Nations and Italy. Along with Russia, Great Britain, and the United States, it secured a place on the Italian Advisory Council, which handled domestic political questions. The FCNL was also represented on the Allied Commission which was entrusted with the application of the Italian armistice.

ESTABLISHMENT OF THE PROVISIONAL GOVERNMENT OF THE FRENCH REPUBLIC (GPRF)

The Problem of International Recognition.—On June 2, 1944, the FCNL on the recommendation of the resistance groups in France and of the Provisional Consultative Assembly assumed the name of Provisional Government of the French Republic (GPRF). Despite immediate recognition by Belgium, Czechoslovakia, Poland, and other countries, the United States and Great Britain at first withheld recognition. Thus, to these countries the de Gaulle government continued to be known officially as the FCNL.

On June 6, 1944, American, British, and Canadian armies under the command of General Eisenhower landed on the northern coast of France. These forces were accompanied by a number of French military units and

were aided by the work of resistance groups inside France, particularly by the combat organization known as the French Forces of the Interior (FFI). Following this the United States recognized the FCNL as the *de facto* government of France. Such recognition meant that the authority of the FCNL (which called itself the Provisional Government of the French Republic) was regarded as existing, although it was not regarded as established legally or diplomatically.

The capture of Paris by Allied troops was followed by the transfer of GPRF from Algiers to the capital on August 18, 1944. It soon became apparent that the GPRF was as representative of the French people as circumstances permitted, and that it was largely supported by them. Furthermore, it very quickly demonstrated its ability to administer the liberated areas of France. Consequently, on October 23, 1944, the United States, Great Britain, Russia, and Canada extended *de jure* or full recognition to the FCNL as the Provisional Government of the French Republic.

Transitional Status of the GPRF.—As its name implies, the Provisional Government of the French Republic is merely a temporary structure, holding power until the elected representatives of the French people can sanction a postwar constitutional government. De Gaulle and other spokesmen of the GPRF repeatedly expressed their intention to maintain power only until new constitutional forms can be established. The GPRF is functioning, therefore, only as an interregnum government, attempting to bring order out of the chaotic internal conditions created in France by war and foreign occupation.

During the necessarily prolonged period of transition from a provisional to a new constitutional governing structure the GPRF has restored many of the laws of the Third Republic which were abolished or altered by the authoritarian Vichy regime. At the same time it has repealed the constitutional acts and most of the laws of the Vichy government. All Vichy-sponsored political groups and the Vichy militia have been dissolved, and democratic political parties have been encouraged to develop.

Under a series of ordinances in 1944 the de Gaulle government outlined procedures for the creation of a future government of France. It expanded the membership of the Provisional Consultative Assembly by including representatives of prisoners of war and political deportees returning from Germany. The life of the Assembly was extended until October 21, 1945, when elections of a new, representative body, the National Constituent Assembly, were held. This was the first representative assembly to be elected by the French nation since May, 1936. Women voted in this national election for the first time in French history. Immediately after the

1945 elections the officials of the GPRF, including General de Gaulle, turned their powers over to the Constituent Assembly. Within a few days of his resignation de Gaulle was unanimously elected by the Assembly to the Presidency of the GPRF.

THE STRUCTURE OF THE PROVISIONAL GOVERNMENT

Executive Organization.—The expression “Provisional Government of the French Republic” (GPRF) is in a general sense applied to the whole de Gaulle government and in a specific sense to the executive council of that government. In its latter sense, the GPRF is composed of a President and some twenty Cabinet ministers, each of whom is in charge of an administrative department. Both the President and his Cabinet are responsible to the National Constituent Assembly for the conduct of their offices. The President of the GPRF exercises the executive powers usually conferred upon the head of the state. He receives and sends ambassadors. He is the Chief of the Armies. He has power to appoint ministers, to determine their number and authority, and to hold them responsible for their conduct in office.

Since it is assumed that the transitional period in France may require very rapid decisions, the President and his Cabinet largely control the definition of policies and the formulation of legislation. Laws can be initiated by the President and his Cabinet in the form of decrees or ordinances which require approval of the Constituent Assembly. The Presidency as it is constituted under the GPRF will be supplemented by whatever type of constitutional executive the National Constituent Assembly establishes.

Legislative Organization.—The legislative powers of the Provisional Government have been vested in the National Constituent Assembly since the election of that body on October 21, 1945. The Assembly has 522 seats for the representatives of France proper, and 64 for those of the Colonial Empire, including Algeria. Its powers and duration were fixed by referendums on these questions, held in conjunction with the election of its members. The Constituent Assembly was authorized to write a new constitution for France within seven months after its election. At the end of that time the new constitution must be submitted to the electorate, after which, if it is approved, a new parliament will be elected under its provisions. If the Constituent Assembly fails to complete a new constitution within seven months, as is possible, it will be dissolved and a similar assembly will be elected to make a second effort. On the other hand, if the Constituent Assembly completes a new constitution before seven months have elapsed

it must be submitted to a popular vote during the month following its adoption by the Assembly.

As has been noted, the Constituent Assembly has exercised the power to elect a President of the Provisional Government of the French Republic. A presidential election within the Assembly must be public and by an absolute majority of the total membership. The Cabinet is responsible to the Assembly but the refusal of the Assembly to approve a government bill or its refusal to grant a credit does not lead to the resignation of a Cabinet unless the Assembly votes no confidence in the Cabinet by an absolute majority, two days after the original refusal to uphold its requests.

The Constituent Assembly has power to initiate legislation concurrently with the Cabinet. At least one month and three days must elapse between the initiation and the promulgation of legislation, and the law must receive an initial and a final approval by an absolute majority of the Constituent Assembly. The Assembly has the right to approve or disapprove a budget submitted to it by the Cabinet but not the right to initiate one.

Judicial Organization.—Substantially the same system of courts which was organized under the Third Republic continues to function under the Provisional Government. In addition, a number of special courts have been created to carry out a purge of collaborationists.

Among the most important of these special courts is the High Court of Justice which has been trying former ranking officials of the Vichy government. It is composed of a presiding justice, two assistant justices, and twenty-four jurors chosen by lot from two lists drawn up by the Provisional Consultative Assembly. Its procedures are the same as those of the Court of Assizes.

A Court of Justice has been established within each Court of Appeal district to try persons accused of aiding the enemy under the Vichy regime. Each Court of Justice consists of a judge appointed directly by the Minister of Justice, and of four jurors, chosen by lot from a list prepared each month by a Commission consisting of the First President of the Court of Appeal and of two delegates from the departmental resistance committee. Women are summoned for jury duty on the same basis as men.

Also, bodies known as Civic Chambers have been organized to try persons accused of "national unworthiness." The Civic Chambers consist of one professional judge and a jury of four chosen from men "who have never ceased to give proof of national sentiments." Offenses which can be brought before them range from participating in the Vichy government or joining Vichy-created political or parliamentary organizations to publishing articles in support of totalitarian theories. Those who are convicted

are subject to "civic penalties," such as exclusion from the army or bureaucracy and from professions, such as law and teaching. "Courts of Honor" have been established to purge civil administrations, such as the judicial and educational systems.

POLITICAL PARTIES AND GROUPS

Resistance Groups.—French underground resistance to the German armies of occupation and to the Vichy policy began to be organized shortly after the defeat of France. Since they formed the centers of political activity around which the present parties in France developed, these groups deserve attention at a time when renewed activity has begun to flourish. Their early development was slow and dangerous, but gradually there emerged several well-knit and capably managed organizations. The most important of these were the National Front, made up of men and women of various political opinions but largely dominated by Communists; the National Liberation Movement, a federation of people of divergent political tendencies; and a half dozen or so secondary groups, including those called Liberation, Combat, Liberation-North, and Civil and Military Organization.

The activities of these groups were strengthened by the underground reorganization of the former political parties of the Third Republic. At first some of the underground parties had difficulty in gaining the confidence and cooperation of other resistance movements because of their sanction of the Pétain government in the dark days of 1940. However, after the Pétain regime so circumscribed the activities of the parties as to drive them underground they came to be accepted by the other groups which were working for liberation. The most prominent parties in the resistance movement were the Communists, Socialists, Radical Socialists, Popular Democrats or Social Catholic Party, the Democratic Alliance, and the Republican Federation. The resistance organizations were represented by the largest bloc of delegates in the Provisional Consultative Assembly. These delegates divided into several groups, of which two of the most important were the National Liberation Movement and the National Front.

Faced with the problem of changing from a destructive to a constructive attitude the resistance political groups have disintegrated. After the Provisional Consultative Assembly convened at Paris it soon became clear that a crucial question from the political viewpoint was whether the resistance forces in the Assembly would be welded into a disciplined party representing definite interests or whether they would become merged with the existing political parties. The latter course has prevailed to such an

extent that the independent political importance of resistance is declining rapidly.

Political Parties.—In complete contrast with the welter of political groups and parties which contributed to the ineffectiveness of the governments of the Third Republic, the elections of October, 1945, showed the emergence of three dominant parties under the Provisional Government. These are the Communists, Socialists, and MRP (*Mouvement Républicain Populaire*) parties, which led in the popular vote in that order. Together they control 434 out of 586 seats in the National Constituent Assembly, the Communists having 153 seats, the Socialists 143, and the MRP 138. In giving the Communists a slight plurality and the Socialists the next largest number of votes France illustrates the general swing to the Left which has been typical of postwar Europe. The old-line semiconservative party, the Radical Socialists, which dominated French politics before World War II won only twenty-five seats in the Constituent Assembly. The parties of the extreme Right have even fewer seats.

The Socialist Party derives its greatest strength from the working classes and the lower middle class. It advocates socialization of key industries but wants to maintain a large sector of productivity for free enterprises. With respect to the creation of a Fourth Republic the Socialists favor a strong, popularly elected executive. They urge a single-chamber parliament, plus a consultative chamber of experts from trade unions, business, and agricultural interests. In the event of parliamentary lack of confidence in a government the Socialists favor the dissolution of parliament and the calling of new elections on the British pattern. Obviously, these proposals are offered as improvements on the weakest characteristics of the parliamentary system of the Third Republic. In foreign affairs the Socialist Party advocates democratization of all nations and an alliance with Great Britain in order to create a better balance in international affairs.

The rapidly growing strength of the Communist Party in France has surprised many seasoned observers of French politics. This development is attributable partly to the record of Communist achievements in the French underground and partly to the revolutionary mood of many people of Western Europe during a period of postwar dislocation. The Communists have unsuccessfully attempted to create a strong Leftist bloc by combining with the Socialists. Numerically, they are France's strongest party. On constitutional issues they favor a continuation of the strong assembly-weak executive idea of the Third Republic. They oppose any system of checks and balances between branches of the government. They stand for broad

state control of economic life. In foreign affairs the Communist Party opposes alliance with Britain and favors alliance with the U.S.S.R.

The *Mouvement Républicain Populaire* (MRP) was known before the war as the Popular Democratic or Social Catholic Party. It is composed of communicants of the Catholic Church who lean in the direction of Socialism. Its rapid accretion of strength is attributable to the work of its leaders in the underground resistance movements, the postwar revival of religious interest, and the attractiveness of its organization to conservatives who fear the radical Left-Wing parties. Membership is open to non-Catholics and a growing number of Protestants and agnostics are joining. The MRP social and economic program is similar to that of the Socialist Party, but it is tinged with a greater religious fervor. On constitutional questions, too, the MRP and socialist positions are alike. The MRP, however, favors a two-chamber parliament as a check on political emotionalism. It would concentrate political power in the lower chamber, however, and make the upper one largely consultative. The MRP has enthusiastically supported the de Gaulle foreign policies.

The Radical Socialist Party was the leading left-of-center party in the Third Republic. It has lost strength because of its Munich appeasement policy, because some of its leaders collaborated with the German occupation forces, and because of its inability to present a constructive postwar domestic program.

LOCAL GOVERNMENT

Departments and Communes.—Temporary local governmental organizations were established after the liberation of France until elections could be held. In 1945 the GPRF restored the laws of the Third Republic affecting the election of municipal and departmental officials. Under these provisions municipal elections were held in May of that year and departmental elections in September.

Regions.—To provide for the organization of French territory as it was liberated from the enemy, metropolitan France was divided into administrative regions, each under a Regional Commissioner appointed by the GPRF. The area of control for the Regional Commissioner (*Commissaire de la République*) was fixed by the Minister of Interior. The former was authorized, subject to powers delegated to the military authorities, to establish the administration of the territory and to provide for the people's needs. Regional Commissioners were appointed as French territory was liberated. Whether the Regional Commissioners are merely temporary expedients to be used during liberation, or whether they may become part of a new type

of local administration, based on units larger than the departments, remains to be seen. The Regional Prefectures created by Vichy have been abolished, but the new Regional Commissioners administer the same regions generally. Every Commissioner is assisted by a Regional Secretary General for Economic Affairs.

THE FRENCH EMPIRE

Control of the Empire.—All of the territories of the former French Empire of the Third Republic are under the authority of the GPRF. In December, 1943, the FCNL gave self-governing authority to the mandated territories of Syria and Lebanon. However, the GPRF maintained troops in both territories until May, 1945. It insists that, under the terms of the mandate, definite treaties must be signed before independence can be established. The GPRF has announced its intention to give to the French territories all over the world the system of a Federal Union with large local autonomy. The first steps have been taken for the African colonies at a conference held at Brazzaville in 1944.

ARMED FORCES OF THE PROVISIONAL GOVERNMENT

High Command.—The armed forces of the Provisional Government are under the control of its President as the Chief of the Armies. He is assisted by the Committee of National Defense, of which he is chairman. Other members include the Ministers for War, Navy, and Air, and the Chief of the General Staff of National Defense, whose mission is to control and coordinate army, navy and air forces. The President appoints and controls the General Staff of National Defense.

Army.—The French Army is in a period of reorganization which has been in progress since the defeat and collapse of 1940. At first the army was limited to the colonial forces and veterans who escaped to North Africa after the defeat. After the Anglo-American invasion of North Africa in November, 1942, a French Expeditionary Force numbering between 300,000 and 400,000 men was formed upon the cadre of the Armistice Army in Africa. This army was composed of infantry and armored divisions organized according to American Tables of Organization, and equipped with American weapons, transport, and uniforms. When the FCNL was formed in June, 1943, some Fighting French troops under General de Gaulle were added to the North African forces. Troops from all unoccupied French territories were recruited by either conscription or enlistment.

A French Expeditionary Corps fought with the British and American

armies in Italy from December, 1943, to the end of the war. The Second French Armored Division landed with the United Nations forces in Normandy, and four French divisions participated in operations in the south of France as part of the American Seventh Army. All these units were consolidated in September, 1944, to form the First French Army under General de Lattre de Tassigny, which occupied the sector from the Vosges to Belfort, through which it drove to the Rhine on November 19, 1944. It aided materially in the liberation of Alsace and Lorraine.

Numerous armed groups of Frenchmen participated in resistance to the German occupying army and to the Vichy police. These groups, defaulters from the forced labor draft, communists, and other patriots, collectively known as *Maquis*, underground fighters, were under the leadership of former regular army officers who were scattered through many small towns to carry on instruction and training and who were controlled through ordinary channels of command by their military superiors. They maintained in the hills *places des armes*—hidden, fortified and provisioned military encampments which could not readily be attacked.

By combining some of the *Maquis* groups with the better organized forces of the resistance movements, an underground army of considerable size, known as the French Forces of the Interior (FFI), was formed in France in 1943. This became a disciplined army with a General Staff which functioned under direction of the Committee for Military Action of the National Resistance Council, the chief governing body of the underground. Close liaison was maintained between the FFI and the General Staff of the French Army in Algeria, with the result that during the liberation of France in 1944 the FFI was incorporated into the French Army of the GPRF. Throughout the military operations in France, the FFI, poorly armed and equipped as it was, rendered invaluable service in advance of the liberating armies, chiefly by harassing lines of communication and enemy rear forces.

The consolidation of the regular French Army and the FFI formed the basis for the French First Army. Further enlargement through conscription of new forces from the French population was for some time limited by French dependence upon United Nations sources for arms and equipment, but by January, 1945, support for the arming and equipping of a larger French army had been secured and the War Ministry announced that three military classes would be mobilized as soon as barracks and equipment could be made ready. After a permanent French Zone of Occupation had been established in Germany and Austria, the French First

Army ceased to exist. The bulk of the French Army of over half a million men comprise the French Forces of Occupation of Germany and Austria.

Navy.—Units of the French Fleet have been assembled from all parts of the world. In September, 1944, the Minister of the Navy announced that the French fleet comprised 300 ships, some of which had been modernized in the United States, and 3,000 officers and 600,000 men whose training had been completed by four years of battle. This represents about one half of the prewar fleet. Operational units were placed under Allied Naval Command. Nonoperational units, shore installations, and naval air forces are under the French Minister of the Navy.

Air Force.—The French Air Force, like the Army, has been in the process of reorganization since the defeat in 1940. As early as December, 1940, one squadron, reorganized in England, was operating in Africa against the Italians. After the Allied landings in North Africa, America took the largest share in revitalizing the French Air Force, training personnel and organizing units according to American Tables of Organization, with American equipment. The French Air Force has been in action on each new Allied front. In late 1944 it included fourteen pursuit squadrons, nine bomber squadrons, one reconnaissance squadron, police and artillery spotter units in action on the battle fronts.

FOREIGN AFFAIRS OF THE PROVISIONAL GOVERNMENT

Restoration of Status as a Major Power.—Once the government of General de Gaulle had secured recognition as the Provisional Government of the French Republic by the United States, Great Britain, Russia, the other United Nations and most of the neutrals, the next step in French foreign policy was the restoration of France to her former status as a major power in world affairs. Although progress was made in that direction during 1944–1945, it was by no means sufficient to remove doubts as to whether France could attain the level of a second-class power, let alone a higher rating. The old cursed particularism, carried by some of her political extremist elements to the point of a rule-or-ruin policy, stands in the way of achieving the national unity without which France can make no headway. The situation is aggravated by the low state of France's economic health which, in turn, accelerates the steady decline in the national birth rate. Taken together, such factors hardly bespeak a strong nation with a promising future.

On the other hand, the United Nations, and particularly the United States and Great Britain, have given positive and repeated indications of their interest in setting France securely on her feet. Recognition of her

status as a power has accompanied and in fact preceded France's ability to give substance to that status. FCNL participated in the handling of Italian affairs after the Allied invasion of the peninsula in 1943. France was included by the Dumbarton Oaks Conference as one of the five permanent members of the projected council. A French seat on the European Advisory Commission, the joint United Nations consultative body in London; membership in the Council of Foreign Ministers, successor to the Advisory Commission; membership in the United Nations; and possession of one of the five permanent seats on the Security Council of the United Nations Organization—all these highlight the warm support given France by her Allies in the task of achieving her restoration as a great power.

Search for Security.—A second cardinal point of French foreign policy is security against any future German attack. Efforts to that end have taken two directions. First, France is deeply interested in the establishment of a United Nations Organization which will have the legal authority and the physical force to prevent future armed aggression. Her doubts on that score, strengthened by her memories of the League of Nations failures, are shown in such positive actions as the twenty-year mutual assistance pact which she signed with Soviet Russia. This treaty is independent of the Dumbarton Oaks plan and differs in this respect from the Anglo-Russian treaty of 1942, which is to remain in force only until the signatories mutually recognize that it has been superseded by "proposals for common action to preserve peace." The Franco-Russian treaty provides that neither party will sign any international agreement that is against the interests of the other party. The treaty does not, other than this, exclude France from contracting a parallel treaty with Great Britain nor prevent France or Russia from joining fully in a collective security system. The pact binds both France and Russia to carry on the war against Germany to final victory and then to cooperate in preventing or destroying any future German threat.

Even more positive action has been taken in the effort to prevent Germany's renaissance as a great power. The majority of French opinion holds that the permanent dismemberment of Germany is the one sure guarantee against future aggression from that quarter. French participation in the occupation of both Germany and Austria gave her the lever for the application of her views. General de Gaulle declared for at least partial dismemberment of the land of the ancient foe by asking that the Ruhr Basin, the Rhineland, and the Saar Basin be placed under international control. Moreover, he blocked all initial moves in the Council to re-establish Germany as an economic unit. The Control Council's rule requiring a unani-

mous vote in the decision on any issue greatly simplified such obstructive tactics.

The Quest for an International Power Position.—A last major objective of de Gaulle's foreign policy has been the restoration of France's position as a key nation in international politics. Both his insistence on the recognition of France as a major power and his attempts to guarantee the security of any position she may attain are in large part motivated by this effort. From time to time de Gaulle's purposes have been thwarted by the dominant positions of single powers or combinations of powers in the United Nations whose interests seemed to the French to be running counter to their own. Various French demands have been rejected. The recognition of French interests has not always been what French leaders would have wished, as for example, at the Yalta and the Potsdam conferences. De Gaulle has been particularly alarmed by the possibility of preponderant Soviet or American influence on the settlement of essentially Western European questions in postwar international politics. He has been further handicapped in these situations by the fact that the French Communists, the largest party in France, invariably side with the Soviet Union's viewpoint, regardless of de Gaulle's views or objectives.

To find a way out of this dilemma, de Gaulle has proposed the creation of a strong British-French alliance which would gather to itself a "Western bloc" of neighboring European states. In the event that such a bloc could be created, the French hope that it would be sufficiently strong in the arena of international politics to assert a dominance over Western European questions in opposition, if need be, to both the Soviet Union and its satellite nations of Eastern Europe or to the tendency of the United States and Great Britain to join forces at the international conference tables. In the event that a "Western bloc" of this nature could be created, France with Britain might come to hold a highly strategic position in international questions. However, serious obstacles impede the realization of de Gaulle's proposal. The British have held up discussion of the issue pending the settlement of numerous minor problems affecting the two nations. Many British leaders favor closer ties with both the United States and France, with the reservation that in the long run the understanding with the United States is of the greater importance. On the Soviet side, the proposed "Western bloc" may become so involved in French domestic politics as to turn it into an anti-Soviet proposal and defeat it as a balance-of-power idea. Whether, in view of these great difficulties, any "Western bloc" can be created so as to assist France to a place of any great influence in international politics is a question for the future.

THE GOVERNMENT OF ITALY

ITALY IN TRANSITION

The Importance of the Present Analysis.—Italy, as the first Axis nation to fall under the United Nations offensive in World War II, is unique in its importance to a study of comparative government. A defeated Italy is currently experiencing the diminution of her power position, the reconstruction of her political institutions, and the collapse of her economy. To understand many of the reasons for her present predicament one must examine closely the Fascist theory and practice of government. Such a study will shed some light upon the Italian political character and the extent to which the Italian nation may be expected to recover its stability in the not too distant future.

The facts of Fascism are clear; the facts of Fascism's fall in Italy are clear. But the contemporary scene is necessarily shrouded in uncertainty because of the bitter war which was until recently waged in the Italian peninsula, and because of the difficulties of the peace settlement. It is too soon to recount with substantial accuracy the inner working of government, both Allied Military and Italian, in the liberated areas. Real value, however, lies in an examination of the principal problems being faced there and likely to be faced in the future. The problems of Italian government are vital not only to Italy; they may very well determine the success or failure of the whole United Nations effort in Europe.

HISTORICAL BACKGROUND OF THE ITALIAN GOVERNMENT

Unification of Italy.—For the long period from the collapse of the ancient Roman Empire until after the middle of the nineteenth century the Italian peninsula was divided into numerous small states. During the greater part of this period these states either quarrelled among themselves for territorial and other advantages or were victims of the covetousness and dynastic rivalries of great European states. From the downfall of Napoleon

Bonaparte, in 1815, to 1859 the Italian peninsula was divided into nine states, the most important of which were the Kingdom of Sardinia (Piedmont), Tuscany, the Papal States, and the Kingdom of Naples. There was no single government of Italy.

During this period, however, and for some time before it, the politically divided Italians had developed a strong nationalist movement, known as the *Risorgimento* (Revival) which was dedicated to the re-establishment of a united Italian government. Among the outstanding leaders of the *Risorgimento* were Mazzini, Cavour, Garibaldi, and King Victor Emmanuel II of Sardinia. In the middle of the nineteenth century, Sardinia under the leadership of Cavour and the royal House of Savoy emerged as the state most capable of expelling the Austrian forces from their Italian possessions and of leading the movement for the political independence and unity of Italy. From 1859 to 1861 the major portions of the peninsula were brought under the political sway of the Piedmontese state, and a Kingdom of Italy was proclaimed in 1861, with King Victor Emmanuel II at its head. In 1866 Venetia was acquired as a result of the Seven Weeks' War against Austria. Finally, Rome was occupied by Italian forces when the French troops, which had upheld papal authority there, withdrew during the Franco-Prussian War of 1870. With this act the unity of the Italian peninsula in a political sovereignty was achieved.

Italian history since 1870 falls into three periods. The first is a period of liberal, parliamentary government under a limited monarchy which lasted until 1922. The second is the period of the Fascist dictatorship of 1922-1943 in which the monarchy was eclipsed by the will of the dictator who dominated all functions of government. The third period is the current interregnum, pending the determination of the new permanent institutions of Italy. In this chapter chief attention will be given the government of the Fascist dictatorship and to its successors.

The Parliamentary Government of Italy, 1870-1922.—Although 1870 marked the achievement of Italian unification, much remained to be done before such a goal could be reached in any other than a politico-geographical sense. With sectional differences creating internal strife and with many political factions seeking control, Italy's parliamentary form of government was weak and unstable. Despite the instability of the parliamentary regime, Italy made considerable industrial and social progress during the period from 1870 to 1914.

The opportunism of Italian policy was well illustrated by the action of the nation in World War I. Italy had been allied with the Central Powers prior to 1914; but declared her neutrality at the outbreak of the war because

of the refusal of Austria-Hungary to consider Italian claims. Italy was the one great power of Europe for whom the war was in no sense defensive or inevitable. After protracted negotiations with both sides the Italian Government entered the war on the side of the Allies in May, 1915, having been promised extensive gains in the Alps and in the Adriatic region by the secret Treaty of London, signed on April 26, 1915. At the peace conference President Woodrow Wilson strongly opposed Italy's claims, particularly to Fiume, which had not been included in the Treaty of London, and which the American delegation insisted should go to Yugoslavia.

Italy actually made extraordinary territorial and strategic gains as a result of the Allied victory in World War I. Her national foe, the Hapsburg Empire, was destroyed and Italy was then freed of any menace to her northeastern frontier. As a result of the war, she could claim for the first time a unique position in the Mediterranean. Because of the disputes at Versailles, however, the Italian people became embittered and refused to recognize the real gains achieved in the war. The Fascist government later carefully cultivated the legend of an Italy betrayed by her allies at the peace conference.

In 1919 Italy faced critical economic problems which tended to intensify her growing domestic political problems. Her industry and agriculture were disrupted by the dislocations of the war years. Demobilized soldiers returning as victors were embittered when industry was unable to give them work. Facing a future of unemployment and poverty, the war veterans readily rallied to the revolutionary program of the Fascist Party. Unemployment and the national debt had steadily increased. The strikes and riots of dangerously dissatisfied working classes, who sought some sort of proletarian control, made the government practically helpless to maintain order. The strikes and disorders frightened the conservatives of the nation into supporting the Fascists, despite the fact that the most serious rioting was instigated by the Fascists themselves. Scholars generally concede that the dangers of communist or proletarian revolution and of economic depression in Italy were subsiding by 1922. Yet the Fascists succeeded in making it appear that political and economic disintegration had reached the point where some sort of drastic action was necessary. At that juncture, Benito Mussolini, Leader of the Fascist Party, capitalized on the national situation and forced upon the royal government the acceptance of his solution—authoritarian, one-man rule.

The Fascist Government

1922–1943

THE EARLY FASCIST PARTY

Origin of Fascism.—The Italian Fascist movement was founded by Benito Mussolini on March 23, 1919, in Milan. It had only a few hundred followers who had been recruited from various *fasci* or societies of “action” which had sprung up over the country and which had adopted the *fascies*, the symbol of ancient Roman magistrates, as their insignia. The groups brought together in this way were far from representing any coherent doctrine or program. Revolutionary socialism, patriotic nationalism, extravagant personal ambition, and common gangsterism were among the motives animating the groups which were represented in Mussolini’s band. Therefore Fascism in the beginning was able to proclaim no final program. Without commitments, plans, or promises, the Fascists announced that they would fight, agitate, revolt, and not shrink from using brute force to solve political problems as they arose. Much of the disorder in Italy which forced the parliamentary government to capitulate to the Fascists was inspired by Fascist groups themselves.

Italian Fascism had its two main roots in socialism and nationalism. From socialism it derived a vision of an industrialized, bureaucratically efficient, equalitarian economic organization. The nationalist ideal of an integrated, thoroughly self-conscious, and intensely patriotic community provided its other motivating force. These were two ideals of exceptional power; Italy was fertile soil for their growth. The country was stricken with extreme poverty, social discontent, a venal and incompetent parliamentary system, a war psychology of defeat, internal political differences, and a great Church question arising out of the seizure of Rome in 1870. None of the larger political parties seemed capable of resolving such issues, and primarily because of this incapacity the Fascists rose to power.

Fascism drew to itself many groups: war veterans, nationalists, landed proprietors, military men, discontented liberals, and great masses of the lower middle classes. All of these groups were for one reason or another discontented with the existing regime.

Benito Mussolini.—The Leader of Fascism was Benito Mussolini, known as *Il Duce*. Born of a blacksmith father and a schoolteacher mother in Romagna in 1883, he was educated to be a teacher, a profession which he

followed in his early career. Later he became a journalist and left-wing Socialist agitator. In 1911 he was arrested for opposing the Italian war with Turkey. In the next year he was appointed editor of the leading Socialist newspaper, *Avanti*. Nevertheless, by 1914 Mussolini had broken with pacifistic Socialism in order to advocate in bold nationalistic editorials Italian intervention in World War I. He was expelled from the Socialist Party, but soon obtained funds from France to launch in Milan a newspaper of his own, *Il Popolo d'Italia*, which bore the mottos: "He who has steel has bread," and "The revolution is an idea that has found bayonets." Through his editorial columns he attacked the government's policies and parliamentary ineptitude, finally launching his own political organization—the Fascist Party.

Mussolini's purpose was to annihilate the existing order and simultaneously to create a political instrument with which he could obtain unfettered personal mastery of Italy. At the outset he insisted that he had no dogmatic program or party line. However, in 1921 he was led to organize the National Fascist Party (*Partito Nazionale Fascista*), and to adopt more definite goals. Organized on the pattern of the Communist Party of Russia, this party was an elite of limited and disciplined membership.

Evolving Fascist doctrine soon developed the idea that it alone was capable of providing Italy with the strong government which it needed. Mussolini's followers formed an armed revolutionary body which took increasing control of the cities of northern Italy, using violence freely to erase opposition and to stage a convincing demonstration of the impotence of the existing government. Late in October, 1922, the Fascists organized a "March on Rome" to take over the government of the nation. This proved to be a monster demonstration of political power and determination. Although the King might have used the Army to scatter the marchers, he chose instead to telegraph Mussolini in Milan to come to Rome to form a new Cabinet. Thus, on October 30, 1922, *Il Duce* became Prime Minister of Italy.

The period from 1922 to 1943 saw Mussolini consolidate his position, make his party supreme in Italian affairs, embark on a program of conquest in Ethiopia, intervene in the Spanish Civil War, and, finally, ally his country with Germany. Dominated by his stronger Axis partner, Mussolini declared war on France and Great Britain in June, 1940, and proceeded to urge his apathetic armies to further conquests in the Mediterranean region. For three years he sought to keep the Italian armies in the field until finally, in July, 1943, he was forced out of office and later was received by German

armed forces. After that time he was rarely heard from, though it was known that he became Germany's chief puppet in the new Italian Social Republic in northern Italy. Just after the defeat and surrender of the German armies in Italy in May, 1945, he was captured by a band of Italian guerillas, shot, and hung in a public square of Milan.

ITALIAN FASCIST DOCTRINE

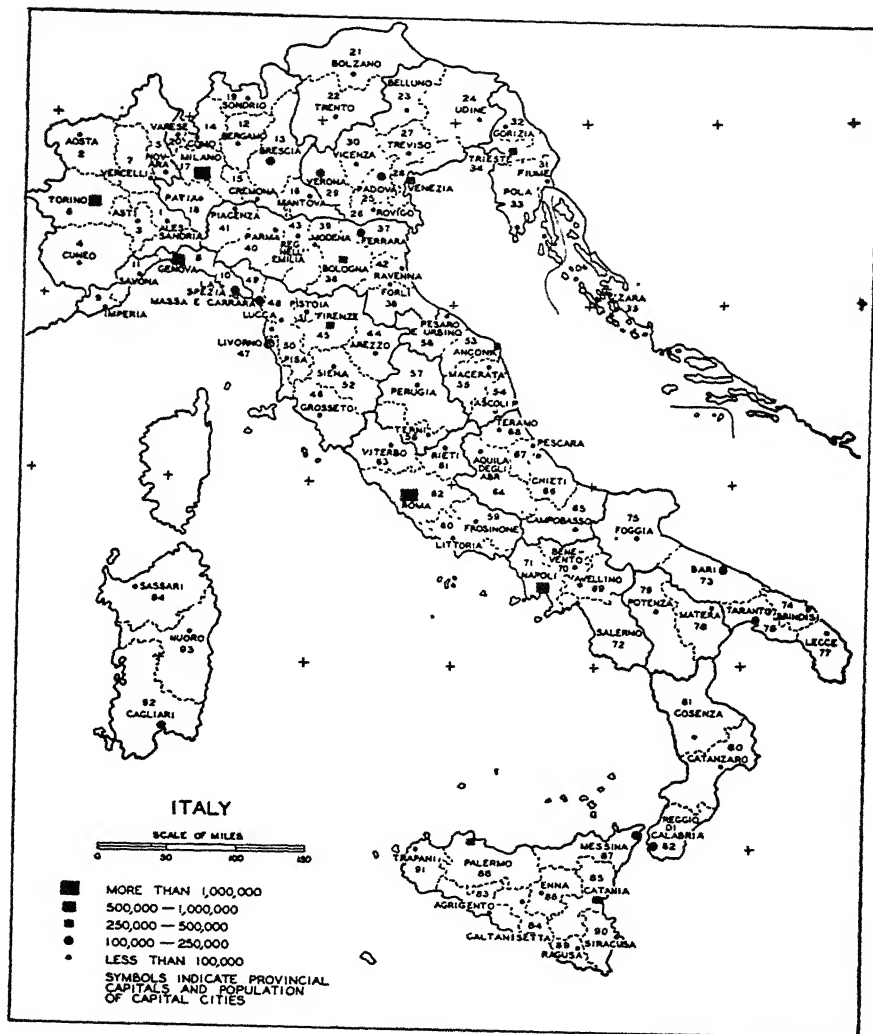
Opportunism.—Basically, Italian Fascism was opportunistic during the twenty-one years in which it exercised power and was perfectly capable of relinquishing ideas which it found desirable to discard. Its doctrine was never fixed nor static. In its early stages, there were startling shifts of attitude as its Leader attempted to resolve situation after situation which demanded quick maneuvering. Originally anticapitalistic, Mussolini as a Fascist grew tolerant of capitalism and drew support from some of its leaders. Once a republican, he used the kingship as a symbol of the national unity which Fascism demanded. Similarly, he shifted from antimilitarism, anticlericalism, internationalism, popular sovereignty, free speech, and limited executive powers to a belief in force, compulsory religious instruction, rabid nationalism, repression of democratic procedures, controlled propaganda, and dictatorial executive powers.

In spite of these pragmatic changes on the part of the leading exponent of Fascist doctrine, Italian Fascism over a period of years developed certain concepts:

The Supremacy of the State.—Above all else Fascism stood for the totalitarian idea of the state as the supreme institution of human affairs. The slogan of the Fascists was "all in the state, nothing outside the state, nothing against the state." In this view the state was the great spiritual entity which carried on from generation to generation the heritage of a people.

The Leadership Principle.—The glorified state was identified with the government headed by the party's Leader, *Il Duce*. He, or perhaps he with a few other select leaders, was alone capable of representing the nation. It therefore was the right and duty of this Leader to govern the rest of the nation, even though his will opposed elements of public opinion. The regime was accordingly authoritarian.

Hierarchy.—There was in Fascism the idea that virile and discerning citizens should take their place among the governing groups in order to guide the masses to a greater destiny. Accordingly, each Fascist leader was fitted into the governing hierarchy in the order assigned by the party



Leader or his aides. Majority rule and popular sovereignty were thus discarded for rule by the elite.

Nationalism. Italian Fascism was frankly and aggressively nationalistic. It opposed all international and cosmopolitan movements, especially Communism. It devoted all of its energy and activity toward building up the glorified Fascist state.

Imperialism.—The Fascists taught that the desire to grow and to possess was an immutable law of life. As applied nationally, this growth might come by diplomatic persuasion, by quiet encroachment, or by armed demonstration, but in any event, acquisitiveness was a prime law of national life.

Negation of Individualism.—Fascism had no sympathy for democratic doctrines of human equality and the rights of individuals. It held that all individual interests must be subordinated, that all individual capacities must be regimented in the interest of the state and its welfare. The good of the state must be considered to be far more important than the benefit of individuals. This did not imply, however, that the state would disregard the welfare of its people; it meant that state interests had precedence. The people were to find their welfare served by attention to the higher good of the state. Fascist philosophy pretended that the welfare of the nation could not be planned on a popular, democratic basis, but only by the inner circle of Fascist hierarchs.

Totalitarianism.—Fascism promoted the establishment of an authoritarian government over a disciplined people. Since it subordinated the interests of the individual to those of the social whole, Fascism favored the intrusion of governmental power into every sphere of individual activity: political, social, intellectual, moral, and economic. For example, all economic activity within the Fascist state had to serve the higher ends of the state. Private economic interests must be subordinated, like all else, to the higher needs of the nation.

Force.—Fascism stood for the use of force as an instrument of political power. This idea encompassed both domestic and foreign affairs. It held that perpetual peace was impossible and that force and warfare were instruments which a strong nation must use. "War," said Mussolini, "puts the stamp of nobility upon the peoples who have the courage to meet it."

Austerity.—Fascism demanded of its followers a stern political discipline, difficult for Italians to achieve. It theoretically disdained individual comfort and demanded sacrifices in conformity with any order of the party Leader.

Exploitation of the Past.—The Fascists systematically exploited historical tradition in order to arouse that powerful emotional support for their

regime. The heritage of ancient Roman greatness lent itself well to this type of appeal. "Rome," said Mussolini, "is our myth. We dream of a Roman Italy."

THE CONSTITUTIONAL BASIS OF THE GOVERNMENT

The Constitutionality of Fascism.—The Fascist "March on Rome" in 1922 brought no immediate changes in established institutional practices. Although the government which was imposed on Italy was actually a one-party dictatorship, with the reins of power gathered in the hands of Benito Mussolini, the fiction of a constitutional monarchy was maintained. King Victor Emmanuel III remained nominal ruler of the nation, and the Constitution, known as the *Statuto* of 1848, remained the basic law of the land. Mussolini became Prime Minister in a manner conforming to the letter but not to the spirit of the constitution. Most of his acts for a time were, from a legal point of view, strictly constitutional. In the years following his seizure of power, however, Mussolini wrought great changes in the Italian politico-economic structure. He recast it in line with his conception of the requirements of a Fascist state.

The result was a remarkable centralization of power in Mussolini's position as Prime Minister, or as his office came to be called, Head of the Government. All organized political opposition was crushed. The Grand Council of Fascism, a party organization, was incorporated into the governmental structure as a policy-determining body, usurping many of the former functions of the Cabinet. The right of franchise was sharply curtailed. All Italian industry was closely integrated with the government by means of the novel Fascist economic organization called the Corporate State. Finally, the Chamber of Deputies in the Italian Parliament was replaced by a Chamber of Fasces and Corporations, whose members were representative of the new political and economic order.

The Constitution.—The Constitution of Italy has an interesting history. In 1848, Charles Albert, King of Sardinia-Piedmont and Savoy, granted his subjects a charter of political rights known as the *Statuto Fondamentale del Regno*. This was continued as the basic law of the land following the unification of Italy under the House of Savoy. The *Statuto* of 1848 was a brief document, general in its terms. It contained no formal provision for amendment, and an Italian school of thought has developed which regards the *Statuto* as a flexible instrument to be changed or expanded by laws and usages, rather than by amendment. Like the British constitution, the *Statuto* was considered to be ever changing, for every act of the Italian Parliament, being the expressed will of the people, was considered constitu-

tional. Mussolini made radical changes in the original *Statuto*, many of these changes being announced by executive decree and approved later by a subservient Parliament. Among the major changes in the Italian Constitution imposed by the Fascist regime were the restriction of the right of suffrage; suppression of the rights of the freedom of association, press, and speech; centralization of executive authority; vocational rather than geographical representation in the Chamber of Deputies and the consequent replacement of that body by the Chamber of Fasces and Corporations; creation of special political tribunals; and racial discrimination.

Legal Codes.—Like other revolutionary movements Fascism sought expression in a recodification of existing law. New criminal and civil codes were put into effect substituting the "social principle" of law for individualistic concepts. The Fascist codes emphasized an inquisitorial type of criminal procedure and severe penalties. They re-established the death penalty in Italian law.

EXECUTIVE ORGANIZATION

The Monarchy.—Under the *Statuto* of 1848, the King was the source of all executive authority. The King had the power to declare war, conclude treaties not affecting the boundaries of the state or imposing a financial burden on it, appoint officers of the government, promulgate laws, grant pardons, and otherwise exercise the powers of a sovereign. As a matter of fact, these powers were customarily exercised in the name of the King by the Prime Minister or Head of the Government. Despite the fact that the King's direct participation in the government was almost entirely eliminated in this way, it must not be inferred that the power and influence of the King were negligible. On the contrary, he remained a political force. Traditional and historical reasons, such as the fact that national unity was achieved around the first Italian Kings, explain the loyalty of the higher ranks of the Army and Navy and of the administration to the House of Savoy.

Under the Fascist regime, succession to the throne was not guaranteed to Prince Humbert, the heir apparent. The Grand Council of Fascism took for itself the power to regulate succession to the throne and might conceivably have found cause to change the line of succession to some other branch of the royal family.

After 1936 the King was named Emperor of Ethiopia, and after the Italians overran Albania in 1939, he became King of Albania as well. Both the Ethiopian and the Albanian titles were renounced after the Italian defeat in World War II.

The Head of the Government.—The Fascist program demanded a strong unified government, and Mussolini sought to accomplish this by centralizing power in the office of the Prime Minister. Upon becoming Prime Minister in 1922, Mussolini, together with his Cabinet, was responsible to the Parliament, in accordance with constitutional precedent and custom. A vote of "no confidence" in Parliament would have required the resignation of his government. To negate this possibility and to increase Fascist control of the government, the Electoral Law of 1923 was put into effect. It provided that the party winning a mere plurality of votes was to receive, if it polled at least 25 per cent of the total vote, two thirds of the seats in the Chamber of Deputies, with the remaining third being distributed among the other parties in accordance with the number of votes received.

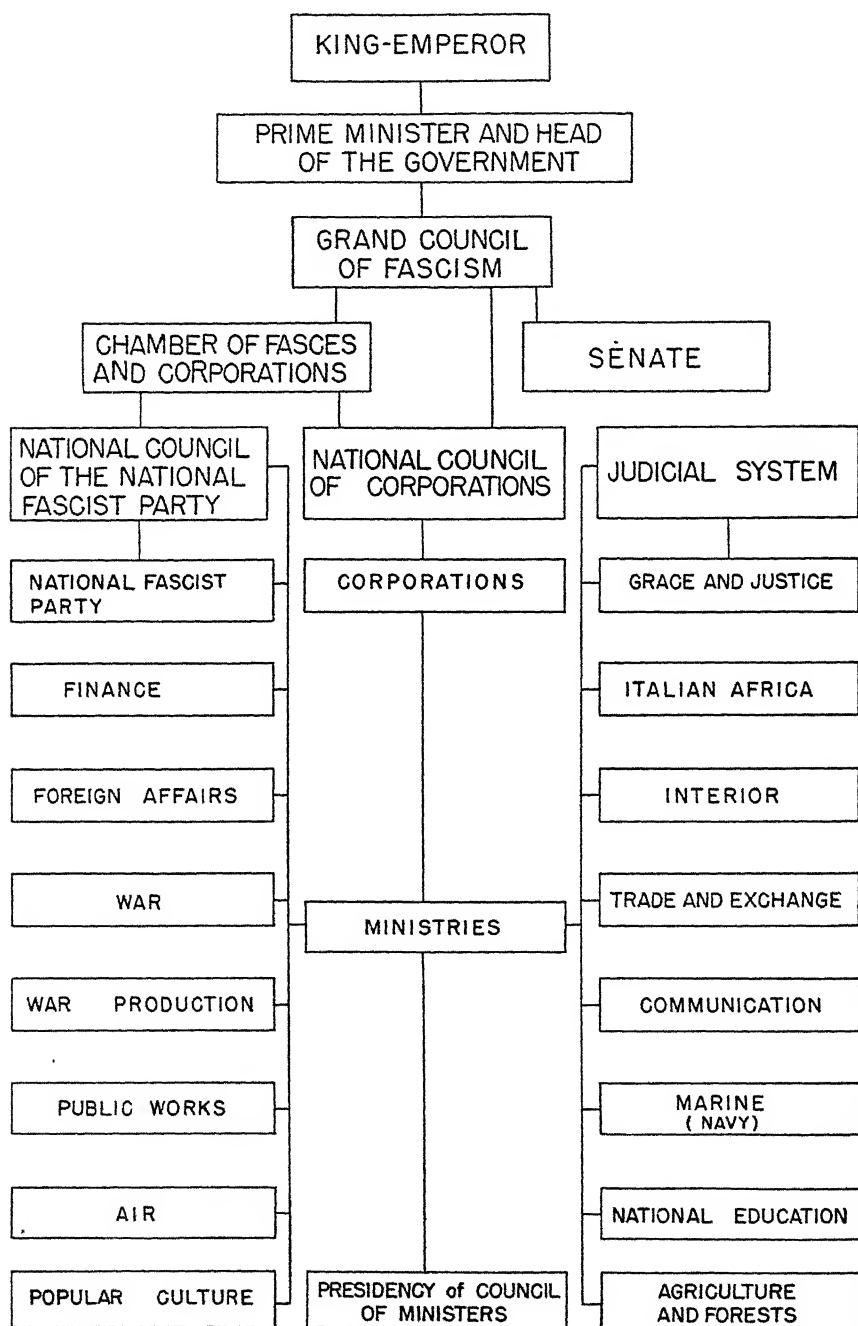
Personal dictatorship was achieved by Mussolini with the passage of the Head of the Government Act of 1925. This Act provided that thenceforth the Prime Minister would be designated Head of the Government (*Capo del Governo*) and would not be responsible to the Parliament but only to the King. It was by virtue of this law that Mussolini dominated the political life of Italy. He controlled the administrative organization of the government and directed the national policy of the state. Many of his decisions were made and published as executive decrees. No act of Parliament or royal decree, moreover, was valid unless countersigned by the Head of the Government.

Mussolini exerted personal control over many matters of administration; he held on occasion as many as nine Cabinet posts out of a total of fifteen and exercised especially close supervision over the Army, Navy, and Air Forces. ✓

The Grand Council of Fascism.—The supreme advisory body of the government was the Grand Council of Fascism. In 1923 this was merely a party organization, similar to the Democratic or Republican National Committees in the United States. Its function was to promote, direct, and control the policies of the Fascist Party. However, by December, 1928, it had acquired sufficient power to announce that its organization, function, and position warranted its transformation from a political party organization alone into a constitutional organ of the state. Almost immediately it was brought into the government to conduct itself virtually as a general staff.

This Council was charged with securing the continuity of the Fascist regime. The most important of its powers were nominating the successor to the Head of the Government, regulating royal succession, and advising the Head of the Government. Mussolini was the president of the Council and

ORGANIZATION OF THE ITALIAN GOVERNMENT



could appoint any number of additional members, although its usual membership was twenty-four.

The Cabinet.—Administration of the executive departments was concentrated in a Cabinet or Council of Ministers. Each department was called a ministry and was headed by a Cabinet minister who was appointed by the King upon the recommendation of the Head of the Government. The Cabinet became the instrument of Mussolini, for he convoked it, presided over it, dictated its personnel, and assumed as many portfolios as he liked. In cases where Mussolini held a ministerial portfolio the administrative duties of the office were carried out by an undersecretary. The Cabinet consisted of the Head of the Government, who sat as its chairman in the office called President of the Council of Ministers, and the following members: the Ministers of Finance, Foreign Affairs, Interior, Italian Africa, Grace and Justice, War, Marine, Air, National Education, Public Works, Agriculture and Forests, Communications, Corporations, Popular Culture, and Trade and Exchange. The National Secretary of the Fascist Party also had the rank of minister and a seat in the Cabinet. In 1943, in order to stress the importance of war production, the commissioner of war production, already ranking as an undersecretary, was promoted to a Cabinet post and the department became a new Ministry of War Production. This made a total of eighteen members.

The Cabinet had legislative as well as administrative functions in that it prepared the decrees which were later rubber-stamped by the Parliament.

Civil Service.—The civil service employees were divided into five classes, each of which was based upon the degree of specialized training which the employee possessed. All positions and promotions were controlled by the Cabinet ministers of the various departments.

In 1923 Mussolini decreed that all civil servants must be loyal Fascists. In the two following years those who were politically suspect were ousted and replaced by party members.

LEGISLATIVE ORGANIZATION

The Senate.—The Fascist Italian Parliament had two legislative bodies called the Senate and the Chamber of Fasces and Corporations.

The Senate consisted of approximately five hundred members appointed for life by the King upon the recommendation of the Head of the Government. Appointments were supposed to be made from among leading Italian citizens recognized for their outstanding service in political, cultural, or economic fields. In addition, most male members of the royal family became senators at the age of twenty-one (voting members at twenty-five),

although they seldom participated in Senate business. A majority of the senators were appointed upon Mussolini's recommendation.

Except in fiscal affairs the legislative power of the Senate was theoretically equal to that of the Chamber of Fasces and Corporations. In practice, however, the Senate became predominantly an honorary body rarely taking part in legislative matters of any sort. As a judicial body it sat as a high court of justice for trials of its own members or of a minister of the government impeached by the Chamber.

The Chamber of Fasces and Corporations.—When Mussolini became Prime Minister in 1922, the lower house in the Italian Parliament was known as the Chamber of Deputies and was composed of about five hundred members elected from geographical constituencies for a five-year term. As a representative body along traditional lines this Chamber might well have offered resistance to Mussolini's dictatorial designs. To strengthen his own position and that of his party Mussolini instituted a series of electoral "reforms" which first stripped the Chamber of Deputies of its traditional representative character and then replaced it altogether with a new body called the Chamber of Fasces and Corporations. The Electoral Law of 1923 enabled the Fascist Party to dominate the Chamber of Deputies; a law of 1926 abolished all opposition parties and finally, in 1928, another electoral law replaced territorial representation with vocational representation. Henceforth the Grand Council of Fascism was to submit a single list of Chamber candidates to the voters for a simple vote of "Yes" or "No." Used in 1929 and in 1934, this electoral system firmly entrenched the Fascists in power, and made Italy truly a one-party state.

From this level of development it was an easy step to the complete elimination of the Chamber of Deputies as a legislative body. Accordingly, and as a result of recommendations made by Mussolini, the Chamber of Deputies voted itself out of existence in 1938 and was replaced in the following year by the new Chamber of Fasces and Corporations. Being an organization intended to give representation in the government to Italian citizens on an occupational rather than a territorial basis, the Chamber of Fasces and Corporations was a large unwieldy body whose composition and size were constantly changing. Its members were not elected, since all local and national elections were abolished. Rather, they belonged by virtue of their being members of other Fascist organizations. Included in its membership were Mussolini and the Grand Council of Fascism, all provincial party secretaries, and—most numerous of all—the active council members of the Corporations.

Thus composed, the Chamber of Fasces and Corporations seldom met

in plenary session and therefore legislated mainly through the committee system. Committees on Foreign Affairs, Industry, Justice, Education, and other national interests, formulated bills on such matters, passed them, and sent them to corresponding committees in the Senate. If approved there the bill moved directly to the Head of the Government and if endorsed, was presented to the King for promulgation.

Operating concurrently with this legislative procedure was the power of executive decree. When binding decrees were promulgated as laws, the Cabinet minister concerned usually referred them to the appropriate committee at some later date for ultimate voice approval by both legislative houses.

The Chamber of Fasces and Corporations met in full session when important revenue measures were to be considered and when called by the Head of the Government for some extraordinary purpose.

Suffrage.—The right to vote was restricted under Fascism to male citizens of twenty-one years, provided they were members of state labor organizations (syndicates) or paid at least one hundred lire per year in direct taxes, or were public servants, or were priests. Fathers of eighteen years and over were permitted to vote. Woman suffrage did not exist.

JUDICIAL ORGANIZATION

Judicial Officials.—The Italian Minister of Justice supervised and controlled the nation's judicial system. Judges in Italy were career men appointed after examination and promoted in accordance with a fixed system. Under the Constitution judges were appointed by royal decree for a lifetime career; they enjoyed special privileges and special protection which were intended to preserve their independence of the executive branch of the government. After three years in office they could not be removed although they could be transferred. Mussolini, in order to purge the judiciary of members who were considered politically dangerous and to obtain complete cooperation, extended to the judges the legislation he had adopted for purging the civil service. The one protection that remained to a judge was that he could be removed only for cause, through disciplinary proceedings after a decision taken by the full Cabinet. The punitive legislation, however, failed to eliminate all anti-Fascist judges, and the tradition of independence was so strongly rooted that even after twenty years of Fascism some members of the judiciary were still able to maintain an aloofness from partisan influences.

The Court of Cassation.—The highest judicial body of the country was the Court of Cassation. It heard appeals from lower courts on points of

law and decided questions of jurisdiction and competence in both civil and criminal cases. Its forty-five judges were grouped into special sections.

Courts of Appeal.—There were thirty-four appellate courts, each of which handled cases which arose within its special district. Each of these courts was divided into at least three sections for handling civil, criminal, and labor cases.

Under Fascism, the labor sections handled matters connected with labor contracts and appeals from lower courts in individual labor disputes. Under the Labor Act of 1926 strikes and lockouts were prohibited and were made punishable by a heavy fine or imprisonment. In the event of a disagreement between workers and employers over the negotiation, renegotiation, or interpretation of a collective labor contract, if conciliation through the syndical organizations or through the Ministry of Corporations proved fruitless, the matter in dispute went before a section of the Courts of Appeal sitting as a Special Labor Court. In matters of collective labor agreements the court which heard the evidence made its decision, not necessarily on a point of law, but by determining the interests of the national state and harmonizing the interests of the disputants therewith. Appeals on points of law could be made to the Court of Cassation; otherwise the decision of the Labor Court had the effect of a binding labor contract.

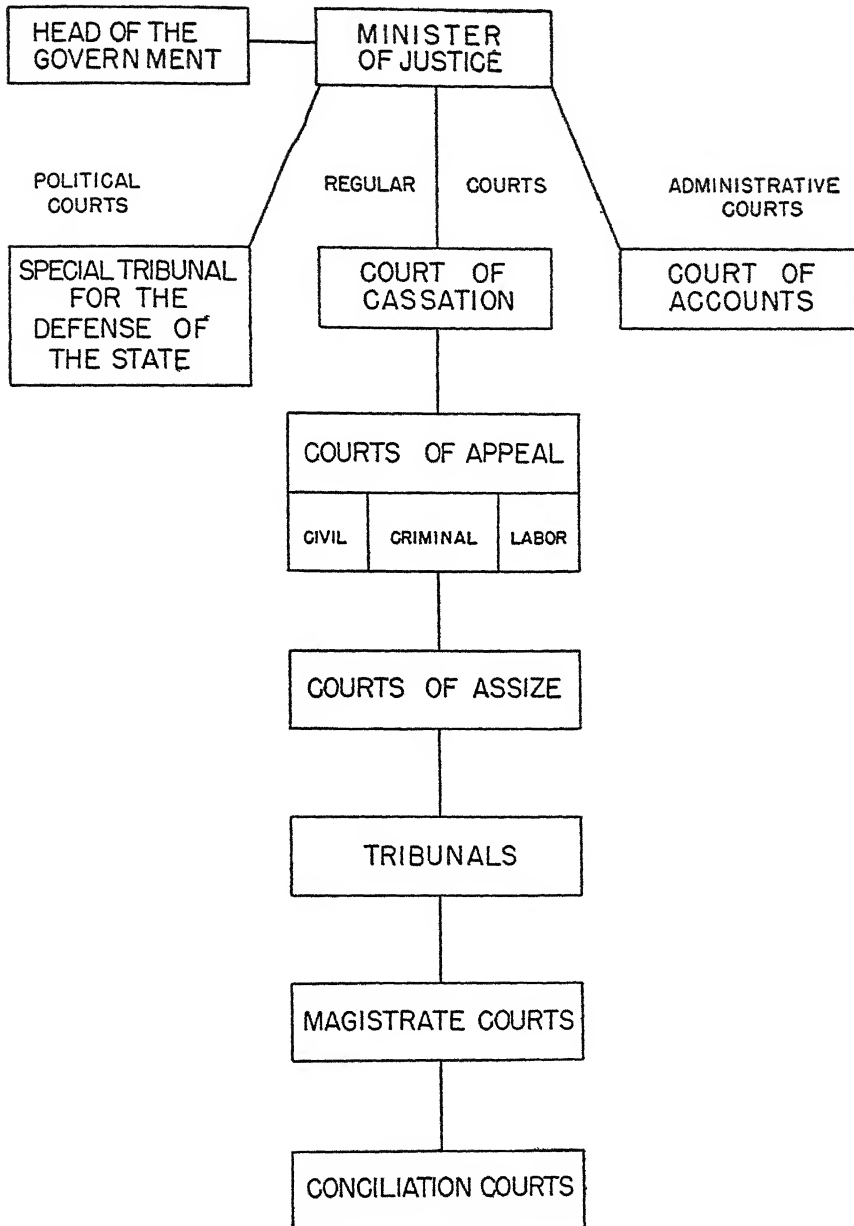
Courts of Assize.—Courts of Assize for criminal cases of a very serious nature were really sections of the Courts of Appeal. The Fascist regime abolished the jury system and replaced it with a body of five laymen who sat as judges together with a presiding judge and an associate judge from the Court of Appeal. The prosecution was represented by a special deputy of the Attorney-General of the Court of Appeal.

Tribunals.—Courts of the first instance, called Tribunals, functioned in civil cases involving more than ten thousand lire and criminal cases not serious enough to come under the jurisdiction of the Courts of Assize, but which exceeded the jurisdiction of the Magistrate Courts. They were usually composed of three judges.

Magistrate Courts.—In the districts of every Court of Appeal there were a certain number of Magistrate Courts which had jurisdiction over criminal cases involving penalties not to exceed three years' imprisonment, and civil and labor cases involving litigation of not more than ten thousand lire. Some of the magistrates were professional career judges, others were honorary justices of the peace who relieved professional judges. There were Magistrate Courts in all cities and large villages.

Conciliation Courts.—There was usually a Conciliation Court in each city, town, or village to try civil cases involving less than one thousand lire.

COURTS OF FASCIST ITALY



With the consent of the litigants, cases involving larger amounts were arbitrated by these courts.

The Special Tribunal for the Defense of the State.—Among the specially constituted courts of the Fascist regime, the most important was the Special Tribunal for the Defense of the State which functioned directly under Mussolini, and judged offenses, political and otherwise, against the security of the state and the Fascist regime. To it were referred cases of espionage, treason, activity against the regime, plots against members of the royal family, and against the Head of the Government. This tribunal operated in secrecy under its own rules of law. The members of this court were individuals who enjoyed Mussolini's fullest confidence.

Naturally, this tribunal was an important agency in maintaining the power of the Fascist Party and regime. It was not necessary to refer minor cases to this court because the Fascist government was empowered by law to exile to Italian islands or other places of forced residence, without trial, any citizen who was deemed undesirable because of his opposition to Fascism or for other reasons.

Special Courts.—Italy had a system of administrative courts for cases arising in connection with public business. The most important of these was the Court of Accounts, which handled claims against the government. A special body of law defined relationships between capital and labor. This was administered by agencies of the Corporate State and by the labor courts under the supervision of the Ministry of Corporations. Like most other countries, Italy had various military courts which had jurisdiction over members of the armed forces, and fiscal courts which handled taxation cases.

FASCIST PARTY ORGANIZATION

National Party Structure.—After the abolition of all opposition parties in 1926 the Fascist Party ceased to be a political party in the usual sense, i.e., a political organization competing for office and power with other similar organizations. Membership was purposely restricted in order to ensure efficiency of control and loyalty to the Leader. For the most part members were recruited from the highest level of youth organizations. Each party member was required to pay fees and dues and those who exhibited indifference were expelled or purged.

Structurally, the Fascist Party consisted of some ten thousand local organizations called Unions of Combat (*Fasci di Combattimento*). Each such unit was set up on the authority of the National Secretary of the Fascist Party and served as a nucleus for auxiliary youth and women's organizations in addition to its primary function of local political action. In each

Italian province these Unions of Combat were grouped into provincial party units under the control of secretaries (*Federale*) appointed by the national party Leader upon the recommendation of the party's National Secretary. Advisory councils in each federation completed the picture of a closely knit local party organization expressing the will of the national party officials.

Topping a precisely ranked hierarchy of party officials, Benito Mussolini was the Fascist Leader (*Il Duce*), although this position was not actually provided for in the hierarchical organization. Instead, the ranking party official was the National Secretary of the Fascist Party, appointed for a three year term by royal decree upon nomination by *Il Duce* and with the approval of the Grand Council of Fascism. This National Secretary had the status of a Cabinet minister, served as secretary of the Grand Council of Fascism and exercised broad powers of control over party organizations.

On the national level three party councils performed advisory and deliberative functions. In order of importance these bodies were: the Grand Council of Fascism, the National Directory, and the National Council of the Fascist Party.

Auxiliary Groups.—Supplementing the party organization were youth organizations designed to indoctrinate Italian young people with the revolutionary principles of Fascism. For boys and young men these organizations were: the Sons of the Wolf (*Figli della Lupa*), the *Balilla*, the Advance Guard (*Avanguardia*), and the *Giovani Fascisti*. There were parallel organizations for girls but they did not lead to membership in the party.

The Fascist militia operated as Mussolini's private army. It was an outgrowth of the notorious Fascist action squads (*Squadristi*) and became widely known as the "Black Shirts." After the Fascists became firmly entrenched, the militia secured a legal position as the Voluntary Militia for National Security. Numbering almost a half million in 1943, these militiamen were commanded by Mussolini and had taken an oath of personal loyalty to him. Some of the units were used for police work and others served in the colonies, but the great majority were reserves.

The Relationship of the Fascist Party to the Nation.—Although party members numbered only two million out of a total Italian population of forty-five million, Fascist control of Italy was far reaching and complete. In 1942 membership in the Fascist Party became an essential prerequisite for holding any position, except the most menial, in the central as well as in the local administration, in the armed forces, and in the judiciary. Mussolini maintained his position as Head of the Government by virtue of being the Leader of the Fascist Party. The Grand Council of Fascism was made up of outstanding party members selected by Mussolini. The Cabinet con-

tained only party members, with the national party secretary holding the rank of minister. The Chamber of Fasces and Corporations was composed of proved Fascist adherents, elevated to positions of authority as members of the Grand Council of Fascism, the National Council of the Fascist Party, and representatives of vocational organizations. A majority of the senators were party members whom Mussolini had recommended for appointment. The Fascist militia, born of Mussolini's desire to legalize the early Fascist action squads, was an instrument of armed force available to the government and to the party.

THE FASCIST CORPORATE STATE

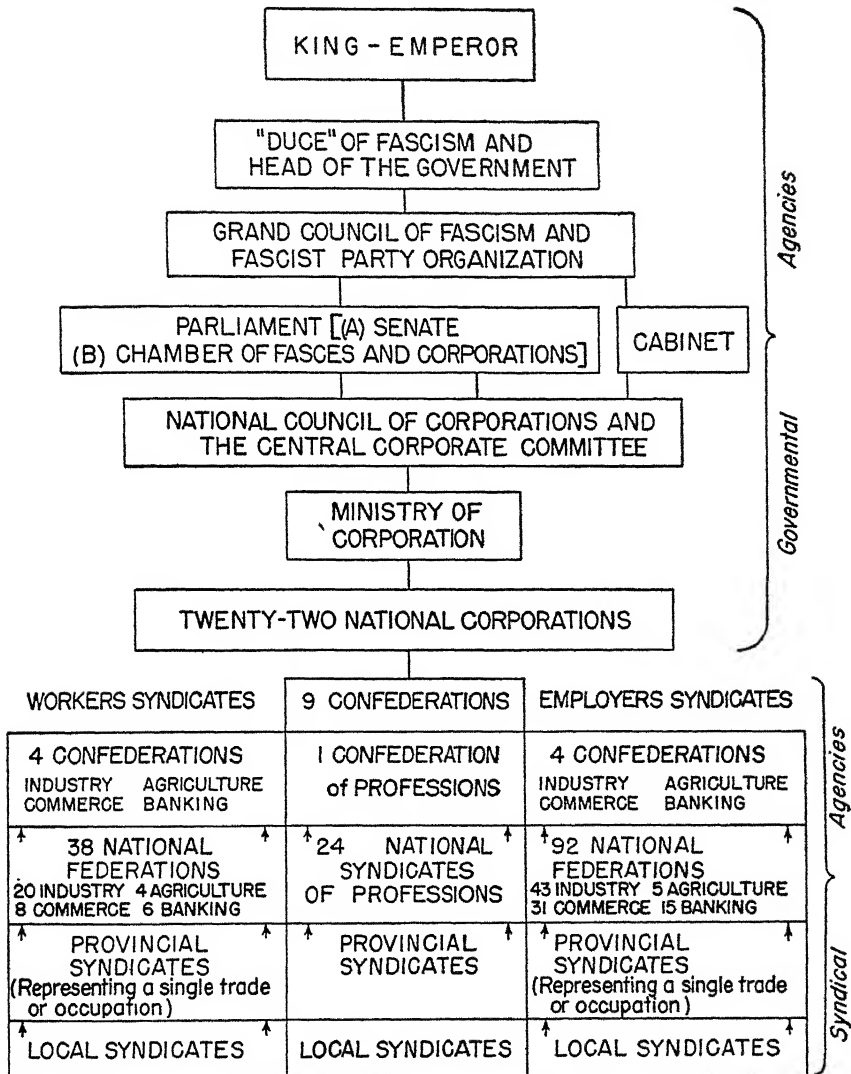
Origin of a Controlled Italian Economy.—The Corporate State was created by the Fascists in order to end the economic strife which plagued post-war Italy and to facilitate party control over all phases of Italian economic life. Mussolini and his followers had won substantial support from the great industrialists by harshly suppressing radical workers' groups. By putting down strikes, promising orderly economic recovery, and espousing the cause of private property, the Fascists secured vital support to add to that already gained by championing the cause of a vigorous Italian nationalism.

Fascist theory held that work was more than a privilege of every citizen—it was a duty; and, in turn, it was to be the function of the state to integrate and control the entire productive resources of the nation. While offering just treatment to both capital and labor, the new regime worked carefully to deprive both of any voice in national affairs and forced them to adhere to the Fascist planned economy.

Organization of the Corporate State.—Although a plan to coordinate labor and industry was a prominent part of Mussolini's program, the Corporate State was actually established piecemeal and was constantly being revised. Like so many other Fascist enterprises, its development was highly opportunistic.

Prior to the advent of Fascism, industry and labor had been organized on a capitalist basis and were relatively free from governmental interference. Their basic organizations were called "syndicates," resembling on the one hand the labor unions and on the other the associations of manufacturers in countries like the United States. The Law on Legal Discipline of Collective Labor Relations of 1926 established parallel syndical organizations of employees and employers, each of which was kept carefully separate. The collective labor contracts which they made applied to all workers or employers in the same economic activity whether they were represented

ORGANIZATION OF THE FASCIST CORPORATE STATE



in the syndicate or not. All local syndicates were organized into provincial syndicates which in turn were organized into national federations of syndicates and these into four types of confederations: industrial, agricultural, commercial, and banking.

The first governmental organizations created by the Fascist leaders to coordinate their control over the Italian economy were a Ministry of Corporations and a National Council of Corporations, both created in 1926. In 1934 Mussolini authorized the establishment of twenty-two additional governmental agencies known as the National Corporations. Each National Corporation was actually a council organized to control the entire cycle of activity within any type of enterprise. For example, all enterprises engaged in grain farming, in the marketing and storing of grain, in processing grain, and in selling the final product formed a single Cereals Corporation. When the Chamber of Fasces and Corporations was created in 1939 its largest contingent of members was drawn from the National Council of Corporations.

The Influence of the Corporative Economic System.—Despite the elaborate character of the Corporate State and the implication of economic self-government which it conveyed, the power of its various bodies was small. Essentially the corporations and other councils and organizations were advisory. All of the resolutions which they adopted had to be approved by Cabinet ministers and decreed by the Head of the Government. The Corporate State was regarded as the tool of the dictatorship for imposing an economic totalitarianism on the nation. Every organization of the Corporate State was influenced by Fascist Party men. Under this system, Fascism was able to control labor organizations and employment, the price structure, large industries, foreign trade, and production.

LOCAL GOVERNMENT

Centralization of Local Government.—The cardinal feature of Italian local government both before and after the establishment of the Fascist regime was its extreme centralization. As part of the unification process Italians copied much of their parliamentary system from the English government and most of their local political organization from the French model. Through an exaggerated centralization of control over communes and provinces in the hands of the Minister of the Interior local government became an efficient instrument for authoritarian control by whatever group was in power. Among the results were a perversion of parliamentary government, the destruction of local initiative, and the denial to local elements of any opportunity to acquire political experience.

Criticism of the inherent evils in this centralized system was widespread in Italy immediately before the rise of Mussolini. With his advent to power, however, there was little possibility that this ready-made instrument for authoritarian control would be abolished. Much criticism has been levelled at the Fascists for their tactics in the election of 1924, held according to the famous Electoral Law of 1923, but in reality Mussolini's technique was simply a clever extension of the well-worn governmental manipulation of parliamentary elections. Once in power, Mussolini began to organize the state on a totalitarian basis and local government was not excepted. A series of laws promulgated in the twenties and codified in 1934 made several vital changes in the system of local government.

Communes.—The basic unit of local government was the commune, or township, of which there were more than seven thousand. With the exception of Rome, which had a unique status, all Italian communes were governed according to the same plan. In each the principal official was the *podestà*, the executive officer of the commune. He combined the functions of a representative of the central government with those of the head of communal administration. He was appointed by royal decree on the recommendation of the Minister of the Interior and, under Fascism, was subject to party approval. In the larger communes the *podestà* was advised by a council.

The uniformity of the pattern of communal government in Italy was broken only in the city of Rome. There a special administration was established under the executive direction of a Governor of Rome. This official was assisted by a council of twelve members.

Provinces.—For administrative purposes Italy (excluding colonies) was divided into ninety-four provinces similar to the French departments. Each province exercised control over the communes located in it.

The key official in each province was the prefect, appointed by and responsible to the Minister of Interior. The prefect was substantially the same official under Fascism as before with some additional powers. He continued to act under the immediate supervision of the Minister of the Interior but was also the agent for other ministries, such as Finance, Public Works, and Corporations. Representing the Ministry of Interior and exercising control over provincial and communal affairs, the prefect exercised wide powers, which included the authority to set aside any act of the communal *podestà*. Prefectoral councils assisted the prefect by giving him advice on such matters as the budget, taxation, and public works.

CIVIL RIGHTS

Fascism and the Church.—The one social institution in Italy which was able largely to maintain its independence of Fascism was the Roman Catholic Church. The Church resented the suppression of the Catholic Popular or Centrist Party and the monopolistic Fascist control of schools and youth organizations. But at the same time, the Fascist Party suppressed such enemies of the Church as the Communists and it re-established religious instruction in the schools.

More important in relations between Fascism and the Church was the settlement of the "Roman Question," which represented the resentment by the Church of the seizure of its political states by the Italian government in 1870. This problem remained unsettled until 1929, when it was finally solved by the Lateran Agreement. Under this treaty between Mussolini and the Church authorities, the small independent state of Vatican City was created within the city of Rome. In addition, the Church received guarantees of independence of action (except in political affairs), an indemnity, and a definition of its relationship to the Italian state. Catholicism was recognized as the official religion of the state; the right of worship was granted to other "authorized" religions.

Political and Intellectual Activities.—Few individual liberties and rights existed under Fascism. The press was rigidly censored. It was also used for propagating Fascism under the direction of the Ministry of Popular Culture. Radio, stage, and screen were regulated and censored with respect to their political as well as moral views. Education was controlled, and college professors were required to take an oath of loyalty to Fascism. A portion of the Voluntary Militia for National Security functioned as a secret political police (OVRA). Fascist Italy was a police state wherein those individuals whose activities were displeasing to the regime were exiled or placed in concentration camps.

ARMED FORCES

Army.—For a regime as aggressive and imperialistic as Fascism, military might was a supreme requirement. Italy had three distinct fighting forces: an Army, a Navy, and an Air Force. Each was separately organized under a national ministry. In addition there was the Fascist militia which had a separate command and organization but was closely affiliated with the Army. The Army was recruited through a system of conscription of all able-bodied males between the ages of twenty-one and fifty-five. In 1939

it was estimated to have an active and reserve total of seven million troops.

Navy.—Fascist Italy began an extensive naval construction program in 1932. By the beginning of World War II the Italian fleet was almost the equal of the French. Administratively the naval command was divided between the Adriatic and the Tyrrhenian Seas.

Air Force.—This separate fighting force was organized in 1925. Ten years later it had two thousand planes and twenty-six thousand officers. Expenditures on the Air Force were rapidly increased in the late thirties.

THE ITALIAN EMPIRE

Acquisition of Territories.—Italy had acquired considerable colonial territory before the rise of Fascism. Between 1882 and 1890 she acquired Eritrea and parts of Somaliland, and after a war with Turkey in 1911–1912 she took possession of Libya and the Dodecanese Islands. During World War I, from 1915 to 1918, Italy was an ally of England, France, and the United States against the Central Powers and as a result acquired the provinces of Bolzano, Trento, Gorizia, Trieste, Pola, Fiume, and Zara, along her former Austrian frontier. These latter areas, however, were incorporated within the Italian nation and not placed under colonial administration. In 1936 the Fascist armies conquered Ethiopia, and in 1939 they occupied Albania. The Italian colonial area of more than a million square miles possessed a population of fourteen million people.

Colonial Government.—Libya, Italian East Africa, and Ethiopia were administered by governors-general who were responsible to the Ministry of Italian Africa. The local administration of provinces and communes within these areas resembled that in Italy. The four Mediterranean provinces of Libya were considered parts of Italy proper and participated in the national administration.

FOREIGN POLICY

1922–1925.—From the very definition of the word, Fascism was dedicated to a vigorous foreign policy. In 1923 Mussolini's armed forces occupied the Greek island of Corfu until they were compelled by British and French pressure to withdraw. A year later Yugoslavia was compelled to recognize the Italian claim to the Adriatic seaport of Fiume. In 1926 diplomatic pressure brought about the signing of the Treaty of Tirana in the capital of Albania, a document which secured an Italian military and economic protectorate over that small nation. Italy supported moves for the admission of Germany to the League of Nations and for the mitigation

of the more extreme penalties which the Treaty of Versailles imposed upon that country. However, when the Nazis attempted to bring Austria under German control by the Nazi Party *putsch* against the Austrian government in 1934, Mussolini despatched troops to the Brenner Pass and demanded that the Germans desist. For the moment Germany desisted.

1935–1940.—Had it not been for British and French opposition to the Fascist war against Ethiopia in 1935 and 1936, it seems possible that Italy might have drawn closer to those two nations. However, when the League of Nations under British and French leadership instituted economic sanctions against Italy, the Fascist government gradually transferred its support to Germany and became a partner in the Rome-Berlin Axis. The real meaning and force of this Axis agreement became evident when Germany and Italy signed the Anti-Comintern Pact and cooperated in sending military aid to General Francisco Franco during the Spanish Civil War.

By 1938, when Germany occupied Austria, Italy was acting in such close harmony with the Nazis that she raised no objection to the occupation. Axis collaboration became still closer the next year when, in April, Italy occupied Albania and, in May, signed a military alliance with Germany. In September, 1940, Germany, Japan, and Italy signed a military alliance, the Tripartite Pact, which they reaffirmed on December 11, 1941.

Italy's Entry into World War II.—When World War II began, Italy's recovery from her military efforts in Ethiopia and Spain had not gone far enough to permit her full-scale collaboration in the war effort of her German ally. Germany professed to overlook the failure of Italy to honor her treaty obligation even though the memory of Italy's alleged default in her treaty obligation to the Triple Alliance in 1914 had aroused apprehension in Berlin. After the German offensive in May, 1940, made it evident that France was about to collapse, Mussolini became eager to bring Italy in on a quick, easy "kill." At the meeting of the Grand Council of Fascism on June 4 he decided on war, which he declared against France and Great Britain on June 10. President Franklin D. Roosevelt characterized this action when he said in a speech that same day, "The hand that held the dagger has struck it into the back of its neighbor." In a matter of days, France was forced to consider an armistice with Italy, even though French troops had defeated the Italians at every point. The Vichy government signed the armistice June 24. Continuing her course of aggression, Italy attacked Greece in October, 1940, without a declaration of war, and in 1941 joined Germany in war against Yugoslavia (April 6), Russia (June 22), and the United States (December 11).

The Collapse of the Mussolini Regime.—Within Italy shortages and demoralization increased as the war lengthened. Basic foods became scarce, inflation could not be controlled, and new concentration camps had to be established. An even greater threat to Mussolini's regime was the regularity with which his armies were being defeated in the Balkans and in Africa.

The defeat of the Axis armies at El Alamein, their retreat from Libya, the victory of the British and American Allies in North Africa, their successful invasion of Sicily in July, 1943, and the bombing of some of the largest Italian cities brought Italian morale to a new low.

The British and American occupation of Sicily was completed in less than five weeks. Before these Allied forces could start the invasion of the Italian mainland, a startling development took place in Rome. The Grand Council of Fascism assembled on July 25, 1943, for the first time since the war began. At the meeting a resolution was introduced by nineteen members, calling for Mussolini's resignation and summoning the King to take over full responsibility for the reorganization of the country. Only seven members of the Council voted against the resolution. Mussolini was obliged to hand in his resignation to the King, following which the former dictator was placed under "protective custody." The King appointed Marshal Pietro Badoglio, onetime Viceroy of Ethiopia and the victorious commander of the Ethiopian campaign, to the position of Prime Minister and Head of the Government. Thus, the Fascist experiment of Benito Mussolini and his followers ended.

Royal Italian Government

1943—

THE BADOGLIO REGIME

Creation of the Regime, July, 1943.—On July 26, 1943, Marshal Badoglio formed a Cabinet composed largely of military officers and civil servants. It included only two members of the last Mussolini Cabinet, but many of its members had been closely affiliated with the Fascist regime. One of the principal bases for the selection of members of the new governing group was unswerving loyalty to the monarchy as an institution.

The immediate positive actions of the new regime were the assumption of the command of all of the armed forces by the King, the institution

of nation-wide martial law, and the declaration of several other rigid measures to prevent disorders and agitation.

"Defascistization" of the Italian Government.—Having come into existence as a result of the repudiation of Fascism's founder and leader, the Badoglio regime had as its first domestic task the dismantling of the Fascist state. In spite of the fact that the leading officials of the new government were themselves strongly tinged with former Fascist connections, they assumed their new responsibilities by moving rapidly to exterminate Fascism as a political force.

At first this "defascistization" of the country took the form of altering the main characteristics of former Fascist institutions or of destroying them altogether. Within the Cabinet itself, the first change was made. The National Secretary of the Fascist Party was given no place in that body, although previously he had been automatically included as a minister. On the same day that the Badoglio Cabinet was organized, the Fascist militia was incorporated into the Italian Army in order to subject it to the commands of the King and his government. Two days later the Cabinet ordered the dissolution of the Fascist Party, the suppression of the Chamber of Fasces and Corporations, the Grand Council of Fascism, and the Special Tribunal for the Defense of the State. Matters which had been the responsibility of the Special Tribunal for the Defense of the State were transferred to the regularly constituted military courts.

The new government ordered that emblems and banners of all political parties be barred for the duration, that political prisoners be released, that the police be reorganized, and that numerous former Fascists be arrested. Moreover, for reasons of public security all Fascist civil officials were called into the military service. This led to a large-scale reorganization of civil administration which involved the displacement of most of the provincial prefects and almost all high state officials.

The election of a new Chamber of Deputies within four months after the cessation of the state of war with the United Nations was promised by the Cabinet. In order to destroy the Corporate State, the new government suppressed all central corporative organizations, such as the National Council of Corporations, the twenty-two Corporations, the corporative and inter-corporative committees. The Ministry of Corporations was replaced by a Ministry of Industry, Commerce, and Labor; similarly, provincial economic councils were substituted for the former provincial syndicates.

In the field of law the revision of the civil and penal codes was ordered. It was stated that in the penal code the death penalty would be abolished

after the war, along with those parts of the code which had been inspired by Fascist ideology.

In the readjustment of labor relations a committee was appointed for the reorganization of the confederations of workers' syndicates and the confederation of professional groups; the aim was the consolidation of these organizations into a single national workers' confederation. Meanwhile, in the large industrial zones of northern Italy, an agreement between the confederations of industrial employers and of industrial workers approved the organization of shop committees formed by workers and elected by direct and secret vote. These committees were established in order to maintain relationships between management and labor, to control the stipulations and application of collective contracts of work, and to mediate individual controversies.

A special committee was created for the investigation of the illegal acquisition of property by former Fascist leaders. Confiscation of such property was ordered by the state.

Four anti-Fascist parties which had formerly existed only as underground groups came to light immediately after the new regime was established. These were the Action Party, the Communist Party, the Liberal Reconstruction Party, and the Socialist Party. Two additional parties were organized: the Christian Democratic Party, a successor to the older Catholic Popular or Centrist Party; and the Democratic Labor Party.

The Italian Armistice.—Following his appointment as Prime Minister, Marshal Badoglio continued to wage war against the United Nations. He declared Rome an open city in August, 1943 (though it was not so declared by the American or British commanders) and directed the Italian Army through the fall of Sicily and during a short period in early September. Convinced of the futility of further resistance, however, Marshal Badoglio opened negotiations for an armistice.

The problem of Italy's surrender was complicated by the assurance which Badoglio had earlier given to his German ally of his intention to continue the war. The Germans had scattered troops throughout the country at strategic points and had employed Gestapo agents widely. When the Italian government began to negotiate for an armistice with the United Nations, the Germans made preparations to meet both an Anglo-American invasion of the peninsula and the eventuality of Italian capitulation.

On September 3, 1943, the British Eighth Army crossed the Straits of Messina and landed on the Italian mainland. A week later the American Fifth Army landed at Salerno. It was officially announced on September 8 that Italy had surrendered her armed forces unconditionally. The Armistice

Declaration Regarding Italy, Issued At Moscow, November 1, 1943

The Foreign Secretaries of the United States of America, the United Kingdom and the Soviet Union have established that their three governments are in complete agreement that Allied policy towards Italy must be based upon the fundamental principle that Fascism and all its evil influences and emanations shall be utterly destroyed and that the Italian people shall be given every opportunity to establish governmental and other institutions based upon democratic principles.

The Foreign Secretaries of the United States of America and the United Kingdom declare that the action of their governments from the inception of the invasion of Italian territory, insofar as paramount military requirements have permitted, has been based upon this policy.

In the furtherance of this policy in the future the Foreign Secretaries of the three governments are agreed that the following measures are important and should be put into effect:

1—It is essential that the Italian Government should be made more democratic by the introduction of representatives of those sections of the Italian people who have always opposed Fascism.

2—Freedom of speech, of religious worship, of political belief, of the press and of public meeting shall be restored in full measure to the Italian people, who shall also be entitled to form anti-Fascist political groups.

3—All institutions and organizations created by the Fascist regime shall be suppressed.

4—All Fascist or pro-Fascist elements shall be removed from the administration and from the institutions and organizations of a public character.

5—All political prisoners of the Fascist regime shall be released and accorded a full amnesty.

6—Democratic organs of local government shall be created.

7—Fascist chiefs and other persons known or suspected to be war criminals shall be arrested and handed over to justice.

In making this declaration the three Foreign Secretaries recognize that so long as active military operations continue in Italy the time at which it is possible to give full effect to the principles set out above will be determined by the Commander-in-Chief on the basis of instructions received through the combined Chiefs of Staff. The three governments, parties to this declaration, will, at the request of any one of them, consult on this matter.

It is further understood that nothing in this resolution is to operate against the right of the Italian people ultimately to choose their own form of government.

had been signed in Sicily on September 3, after several weeks of negotiation. It contained a clause binding Italy to comply with the political, economic, and financial conditions which might be imposed at the discretion of the British, American, and Russian Allies. The Italian fleet was immediately transferred to Allied ports, and a clause of the Armistice gave the Anglo-American forces immediate, free use of all bases and strategic points in Italian territory. The latter provision could materialize only in southern Italy and in a few of the islands, because the German forces which were massed in Italy succeeded in occupying all of northern and central Italy.

A Badoglio proclamation to the Italians announced that the armed forces of Italy should abstain from any hostile acts against the Anglo-American forces. In general, Italian troops and patriots attempted to follow this order and related ones of the Italian government. At many points in northern Italy they resisted the German forces which had taken control of that zone. The Italian forces garrisoning Corsica offered no resistance when French patriots and some French troops under the command of the French Committee of National Liberation were landed on that island and destroyed remaining German forces there.

Anticipating the German occupation of Rome but taking no determined steps to organize a popular or military defense of that city, the King and Prime Minister Badoglio, with a few high government officials, fled to Palermo, Sicily. There they established their government under the protection of the British and American armies.

Italy's War with Germany.—Following the Italian Armistice and the surrender instrument which supplemented it, Italy's relations with her former ally and her conquerors presented multiple problems. It was the hope of the Allies that the Italian people would rally to the legitimate government of the King, which would lead them in a war of liberation against the Germans. The anti-Fascist leaders, however, objected to this government, accusing the King of having supported Mussolini and his war until faced with utter defeat.

On October 13, 1943, the Badoglio government formally declared war on Germany. On the same day a joint statement was issued by the governments of the United States, of Great Britain, and of the Soviet Union, accepting "the active cooperation of the Italian nation and armed forces as co-belligerent in the war against Germany." But because of the feeling against the King, the tripartite declaration stipulated that the three nations would later insist upon the untrammelled right of the people of

Italy by constitutional means to decide on the democratic form of government they would eventually have.

Royal Power: The Institutional Question.—Mussolini had been forced out of office by dissident Fascists led by Dino Grandi, whose plan, in accordance with the wishes of the King, was to preserve legality and constitutionality. Grandi's motion, which was upheld by a majority of the Grand Council of Fascism, demanded that the Italian government be reconstituted according to the constitutional forms which it had before the Fascist dictatorship was created. Yet with the downfall of Mussolini, the Fascist governmental institutions and procedures were not immediately changed.

Marshal Badoglio was appointed to the offices created by and formerly held by Mussolini, that is, he became Head of the Government and Prime Minister. The King and Badoglio continued to make laws by issuing decrees, but it was their intention to revert to the pre-Fascist constitutional forms as soon as the war emergency was over. They decreed that within four months of the cessation of the actual state of war a new Chamber of Deputies would be elected and convoked.

When the royal government was transferred from Rome to Italian territory within the Allied lines, Badoglio faced great difficulty in trying to form a Cabinet. A series of statements was issued reiterating the government's promise to return to the pre-Fascist Constitution, but no prominent anti-Fascist political leader was willing to serve under the King or to accept a simple return to the old *Statuto*. Behind the Allied lines the leaders of the anti-Fascist parties tried to force the King to abdicate. In both the occupied and the liberated parts of Italy, the various local Committees of National Liberation denounced the idea of returning to the former Constitution, and demanded a constituent assembly which would have power to devise a new constitution, monarchical or republican.

The crisis came to a head when Count Carlo Sforza, who had returned to Italy from his American exile, urged the abdication of the King in favor of his grandson, the Prince of Naples. Victor Emmanuel III, however, refused his consent to this proposal, thus nullifying the possibility of forming a broadly based Cabinet. Badoglio then offered his resignation to the King but was persuaded to withdraw it. In November, instead of creating a political cabinet, he began to govern through a "cabinet of technicians," chiefly a group of civil servants without political following.

In the face of the King's refusal to abdicate or to issue a clear statement promising the Italian people the right to determine the form of the state, the anti-Fascist leaders continued to boycott the royal government,

which alone was recognized by the Allies. Late in January, 1944, a congress of the six anti-Fascist parties (Liberal Reconstruction, Christian Democrat, Democratic Labor, Action, Socialist, and Communist) was held at Bari. The congress demanded a constituent assembly, elected by universal suffrage, to settle the institutional question after the war. The six parties also insisted upon the formation of a new Cabinet which would plan to convoke such a body immediately after the end of hostilities.

After the recognition of the Italian government by the Soviet Union (March 14, 1944), and the return of Palmiro Togliatti to lead the Communist Party in Italy, the Italian Communists made moves preparatory to entering the government headed by Badoglio. On April 12 King Victor Emmanuel III issued a statement promising to withdraw from public life after the liberation of Rome, and to appoint his son, Prince Humbert, to exercise the royal powers as Lieutenant General of the Realm. At this juncture, the Permanent Executive Giunta of the anti-Fascist parties issued a statement indicating that if a new government would promise a declaration "that once hostilities have ceased, the Italian people shall freely decide the future forms of the State through a Constituent Assembly," the chief obstacles (in addition to the person of the King) which had hitherto prevented their participation in a democratic war government would be removed.

Badoglio presented his resignation to the King and was immediately charged with the formation of a new Cabinet. Completed on April 22, 1944, it included representatives of all the six anti-Fascist parties. On the institution of the kingship this ministry made the following statement: "Because they are not timely, many proposals of the utmost importance must be put aside for the time being. Chief of these is the institutional form of the State, which cannot be decided until the country is fully liberated and the war ended. The Italian people shall then be called together in free public meetings and, acting through universal suffrage, shall elect a constituent and legislative assembly."

Rome was captured by the Allies on June 5, and on the same day Victor Emmanuel III named Prince Humbert the Lieutenant General of the Realm. Badoglio resigned for a second time on June 7, and after lengthy negotiations a new Cabinet was constituted under Ivanoe Bonomi as President of the Council of Ministers. Soon afterward, the Bonomi cabinet issued a decree which provided: "After the liberation of the national territory the institutional forms will be decided by the Italian people who for that purpose will elect, by universal, direct, and secret suffrage, a Constituent Assembly to devise the new constitution of the State. Methods

and procedures will be established by successive provisions." The Bonomi Cabinet agreed that until convocation of the constituent assembly, ministers and undersecretaries were to be bound by an oath to exercise their functions in the supreme interest of the nation and not to commit acts which might prejudice the institutional question. For the same period the Council of Ministers decreed its own power to issue, over the signature of the Lieutenant General, decrees with the force of law.

Progress of the War.—Throughout 1944 the Allied advance northward was hard fought and steady. When it became apparent that the German Army had no intention of giving up this delaying fight, American, British, and French troops continued their bitter and necessarily destructive northward drive. The progress of the Italian campaign was marked in 1944 by the Anzio landing (January), the German evacuation of Cassino (May), the Allied capture of Rome (June), the German evacuation of Florence (August), the American capture of Pisa (September), and in 1945 by final victory (May).

It is impossible accurately to estimate the amount of Italian participation and aid rendered the Allied drive. Units of the Italian Army fought the Germans, and a patriotic guerilla warfare was carried on continuously from the time of the Armistice until the final surrender of the German armies in Italy. The Allies have made considerable use of the Italian Navy for convoy, transport, and special missions since the Armistice.

Diplomatic Relations.—The post-Armistice relationships implicit in Italy's new status were accepted by Italian diplomatic missions in neutral countries. These diplomats have largely continued their routine functions despite the several Cabinet changes and political readjustments which have occurred in the nation since its capitulation. In Axis territories Italian diplomats were divided, some offering their services to Mussolini's government in northern Italy and a few declaring for the King.

The precise relationship of the United Nations authorities to the royal Italian government was clarified to a considerable extent when, after the Roosevelt-Churchill conference in Quebec in September, 1944, both Great Britain and the United States restored diplomatic relations with Italy.

The Italian Advisory Council.—At the Moscow Conference in November, 1943, the foreign secretaries of the United States, Great Britain, and Russia issued a joint *Declaration regarding Italy*, in which they agreed that Fascism must be completely destroyed and that the Italian people must be given every opportunity to establish for themselves institutions based upon democratic principles. Under the terms of this joint Declaration an Italian Advisory Council was set up to deal with political mat-

ters in that Italian territory under Allied control. American, British, Russian, French, Yugoslavian, and Greek members sit on this Council, which is really a diplomatic body. Yugoslavia and Greece are included because of their interest in Italian postwar territorial adjustments.

The Council of Foreign Ministers.—A European Advisory Commission was established in London by the Moscow Conference for the purpose of continuous consultation on European political affairs. The Italian situation naturally fell within its purview until the Commission was supplemented by the Council of Foreign Ministers by a decision of the heads of the Allied nations in the summer of 1945.

ALLIED MILITARY GOVERNMENT (AMG)

United Nations Agencies for Governing Italy.—In addition to the above-mentioned advisory bodies, Italian affairs also fall under the more direct and positive jurisdiction of two compact government agencies known as Allied Military Government (AMG) and the Allied Commission (AC), originally known as the Allied Control Commission (ACC). In point of time the former preceded the latter's establishment.

Aims of AMG.—Military government is defined by the United States Army manual on the subject to be "that form of government which is established and maintained by a belligerent by force of arms over occupied territory of the enemy and over the inhabitants thereof." According to the official statement, "it is a government imposed by force and the legality of its acts is determined by the laws of war." The need for military government in Italy following Allied occupation of the country was foreseen long before military operations there were commenced. In preparation for supplying this necessary support for the Allied armies, British and American officers and troops were specially trained and organized as an Allied Military Government for Occupied Territory. Accompanying the invading armies, AMG proceeded immediately to administer the affairs of Italian territory freed from Axis control. It has continued the enormous task of governing portions of Italy, although its organization and methods have changed with new experiences and circumstances.

In all of AMG's activities responsibility is shared between the British and American governments, including political, legal, and financial responsibility for the planning and conduct of military government. Personnel participate on a basis as nearly equal as possible. The rules governing the exercise of AMG are derived from principles of international law in the Hague Convention of 1907 and from usages and customary practices of both governments participating. Generally speaking, AMG has a law

derived from international law to cover every conceivable situation with which it might be faced, but wherever possible and practicable it utilizes existing Italian law.

The objectives of AMG may be briefly summarized as follows: (1) to relieve combat troops of the necessity of providing for civil administration in an occupied area, (2) to restore law and order and normal conditions among the civil population as soon as possible after occupation, (3) to assist in making the economic resources of occupied territory available for use by the occupying forces, and (4) to further the Allied political and military aims among the civil population.

Organization.—AMG is under the general control of the Allied military commander in Italy and the specific control of his deputy, the Chief Civil Affairs Officer (CCAO). Its headquarters staff consists of several divisions or branches, each under the control of a civil affairs officer. The financial division deals with such matters as currency, foreign exchange, banks, insurance companies, customs, and similar activities. The public health division directs hospitals, water supply, and disease control. The public safety division handles existing civil police forces, prisons, and public order. There are also divisions for legal matters, civilian supply, and Allied and enemy property. In addition to these major administrative divisions, the CCAO has several educational, fine arts, and other special sections.

This was the exclusive Allied governing body until November, 1943, when many of the functions of AMG were assumed by the Allied Control Commission for Italy.

Allied Commission for Italy (AC).—The Italian Armistice provided for the establishment of a commission to regulate and execute the terms of the Armistice under the direction of the Supreme Allied Commander. On November 10, 1943, General Dwight D. Eisenhower announced the formation of the Allied Commission for Italy (AC)¹ to assume "the duty of carrying out the terms of the armistice and of aligning Italian economy in complete support of the United Nations fight against Germany."

The formal President of the Allied Commission for Italy is the Supreme Allied Commander, Mediterranean Theater. In practical operation, however, the active head of the AC is the deputy president or chief commissioner.

The AC is divided into four sections headed by vice-presidents of the Commission: (1) political, (2) economic, (3) administrative, (4) regional

¹ Actually the title of this organization was the Allied Control Commission for Italy (ACC) from 1943 until 1945 when its name was changed to the Allied Commission for Italy (AC). Since the two titles refer to the same organization the shorter, more recent, title (AC) is used throughout this section.

control and military government. Six independent subcommissions deal with (1) navy, (2) army, (3) air, (4) war materials, (5) telecommunication, (6) prisoners of war and displaced persons.

The Economic Section and the Administrative Section are further divided into subcommissions dealing with particular problems within their respective spheres. The Political Section is headed by joint vice-presidents, one American and one Englishman. The Economic Section is headed by an American.

In general the personnel of the AC is divided equally among Americans and English, exceptions being a Soviet and a French representative, with consultative functions, attached to the staff of the chief commissioner. When first organized, the Commission's personnel was entirely military, with the exception of the Political Section and a few experts in the Economic Section. At present, however, the trend is toward the replacement of military personnel with civilian experts wherever and whenever possible and expedient. This policy anticipates the time when it will be the wish of Allied authorities to transfer the entire administration to civilian agencies of the Allied governments.

Coordination of AMG/AC in Italy.—At the beginning of the Allied occupation of Italy, *i.e.*, from November, 1943, to January, 1944, the Allied Commission and AMG were separate entities. Consolidation of the two was accomplished during the early weeks of 1944. The chief commissioner of the AC became at once the Chief Civil Affairs Officer for Allied Military Government. The headquarters and general staffs of the two organizations were made identical and are now known as "AMG/AC in Italy." The only distinction between the two branches of the new organization is that AMG confines its functions to territory where administration of Allied troops is necessary, while the AC operates in the regions where it has been deemed advisable to restore Italian administration.

The factors which determine the advisability of restoring Italian administration are necessarily complicated and varied. To date the determining factors have been the safety of the Allied forces, the strategic value of the area, and the politico-social stability of the population concerned.

With the success of the Italian campaign, the islands of Sicily and Sardinia and the southern and central provinces of the peninsula were gradually withdrawn from AMG jurisdiction and restored to Italian administration supervised by AC. As the Allied forces drove further northward, other areas or provinces were restored to the Italian governmental control until in late 1945 thirty-eight provinces were under Italian administration.

Despite the restoration of Italian administration in liberated areas it

should be remembered that the Supreme Allied Commander continues to exercise final authority in all of Italy through the Allied Commission of which he is *ex officio* president. Briefly, the relation of the Allied Commission to the Italian governmental administration is one of supervision and guidance, rather than one of direct administration as in the case of the AMG. All relations between the United Nations and the Italian government are conducted through the AC on a military basis. Rome is the headquarters of the AC as well as the capital of the royal Italian government.

THE BONOMI REGIME

The First Bonomi Government, June, 1944–November, 1944.—The Cabinet which was established in Rome in June, 1944, was under the leadership of Ivanoe Bonomi, a pre-Fascist Prime Minister and one of the leaders of the anti-Nazi and anti-Fascist resistance during the nine months Rome was occupied by the Germans. His pre-Fascist record and his anti-Fascist convictions rendered him a much more acceptable man for the office than his predecessor, Badoglio.

Theoretically, Italian government has been based upon a coalition of Rightist and Leftist parties since the Committee of National Liberation (CNL) placed Bonomi in power. It was hoped that with Bonomi's liberalism the parties of the Right and Left would be able to provide a more effective administration. However, Bonomi's first Cabinet was a coalition of groups having very little in common.

Much of the difficulty encountered at first may be explained by the fact that twenty years of strong Fascist rule destroyed all effective opposition leadership. Opponents of Fascism survived of course, but they lacked leadership, a program, means of translating policy into action, and money. Bonomi tried to provide that leadership by working closely with those six political parties in the CNL which placed him in power. In seeking to satisfy six different partisan groups he was able to satisfy none. The six parties are not of equal strength; the preponderance of their power is in the direction of the Left.

The first Bonomi government was fashioned along traditional lines with too many ministers and too many undersecretaries to operate effectively under wartime conditions. Among the six parties represented in the Cabinet, three exerted the major influence in Italian politics. These were the Socialists under the leadership of Pietro Nenni, the Communists under Palmiro Togliatti, and the Christian Democrats headed by Alcide de Gasperi. The political ties of Bonomi himself were ill defined, though he was once a member of the Socialist Reformist Party.

Throughout the period covered by Bonomi's first Cabinet considerable difficulty was encountered in making divergent elements work in harmony. In many instances there was a growing tendency for the parties of the Left (Socialists and Communists) to work together with less friction than any of the other anti-Fascist parties. Yet each has insisted upon maintaining its individuality. Some indication of the tenor of Italian politics during the first Bonomi government can be observed from the bitter Socialist and Communist attacks upon that government of which they themselves formed an integral part.

After prolonged partisan strife throughout the latter half of 1944, Bonomi's six-party coalition Cabinet fell in late November. Insofar as it is possible to state causes, the collapse was due primarily to the alignment at that time of Communists, Socialists (and to a limited degree, the Action Party) on one side, against the Liberals, Christian Democrats, and Democratic Labor Party on the other. In a general sense the former group has been insistent in its demands for a republic, a severe purge of all Fascists, and the institution of strong socialist reforms. The latter group has more consistently supported the monarchy, and evolutionary reform and has favored a milder purge program. In late October the Lieutenant General of the Realm publicly indicated his personal wish for a plebiscite or referendum rather than a constituent assembly to decide the institutional question. The leftist republican parties bitterly criticized this action of the Prince as "unconstitutional" in speaking directly rather than through a "responsible" minister, and it was charged that the Lieutenant General himself violated the truce on the institutional question. The leftist parties blamed Bonomi for having permitted the Lieutenant General of the Realm to advocate a procedure contrary to that established by the Bonomi Cabinet's decree on the institutional question which the Prince himself had signed. A further cause of Bonomi's resignation was the deep-seated bitterness among partisan groups over the use of the Epuration Commission. Epuration or "defascistization" has been recognized by all parties as essential to the restoration of Italian political life. Yet it has been slow and indecisive. All parties, both of the Right and Left, accuse one another of seeking to use epuration to further their own ends. Rightist groups demand protection against the Communists, and Leftist groups demand a thorough purge of all reactionaries and collaborationists.

The Second Bonomi Government.—Immediately after Bonomi's resignation in November he was asked by Crown Prince Humbert to return and form another Cabinet more amenable to cooperative action. His first government had been created by the six parties making up the Committee

of National Liberation, but the second was a coalition of only four of those parties. This government derived its authority from Crown Prince Humbert, the Lieutenant General of the Realm, rather than from the CNL, which accounts for the nonparticipation of the Socialists and the Action Party.

Included in the new Cabinet were representatives of the Communist Party, the Democratic Labor Party, the Liberal Party, and the Christian Democratic Party; excluded were the Action Party and the Socialist Party. After the new Cabinet's first meeting on December 20 it was opposed vigorously by the Action Party, the Socialist Party, and a new party of the Left whose members at first called themselves "Catholic Communists" but changed their name to the "Christian Party of the Left" out of deference to papal opposition to Communism. From the party lines thus drawn it was apparent that Bonomi's new government continued to suffer from the weakness implicit in coalition government and yet at the same time to present the possibility of the development of an opposition bloc which might transform Italian politics into a two-party system. The fact that the Communists joined the new Cabinet in no way altered their policy of working in cooperation with the Socialists. The Communist leader, Togliatti, announced that his party joined Bonomi's government to forestall its falling under reactionary control.

Conclusion of the War.—In May, 1945, the German resistance in North Italy collapsed and the country was rapidly occupied by Allied troops. The Committee of National Liberation of North Italy (CLNAI) had organized an effective partisan army which was in large measure financed and supplied by the Allies. The partisans acted quickly when the German armies attempted to withdraw, saving most of the industrial and hydroelectric plants of North Italy from destruction by the Germans. The Fascist Italian Social Republic collapsed ignominiously and Mussolini himself was captured and shot. Partisan bands in the northern cities also summarily shot numerous other Fascist leaders and henchmen.

THE PARRI CABINET

Party Policies on a National Basis.—When AMG officials entered the north in the wake of the Allied armies they found that the CLNAI and the partisans had already established communal and provincial governments, at least in skeletal form. After some friction, AMG was able to establish itself. In a great many localities the CLNAI nominees were confirmed as prefects in the provinces or as mayors (*sindaci*) in the communes.

The Committee of National Liberation of Northern Italy demanded that the Cabinet be reconstituted and that the Committee itself be granted a primary part in the government. This precipitated a new Cabinet crisis which lasted for more than a month. The Socialist Party, bound in a pact of union with the Communists, demanded the presidency of the Council of Ministers for Pietro Nenni. The more conservative parties blocked this choice and supported the candidacy of Alcide de Gasperi, leader of the Christian Democrats. Bonomi had offered to resign, but in accordance with pre-Fascist constitutional custom he continued in office pending the choice of a successor. When the negotiations reached a deadlock he threatened to retire immediately, leaving the country without any central administration. Such action might have enabled the Lieutenant General to appoint a conservative Cabinet of his own choice, and the parties represented in the Committees of National Liberation of the North and of Rome renewed their efforts to reach agreement. Their choice finally fell on Ferruccio Parri, an outstanding leader of the underground, a member of the Action Party, and a man with an unblemished anti-Fascist record, but with comparatively little political experience. The new Prime Minister himself took the post of Minister of the Interior (with control over the local administration and the police). Pietro Nenni was named Vice Premier and Minister of the Constituent Assembly. Alcide de Gasperi was given the portfolio of Foreign Affairs. Despite the complete absence of a parliament, the crisis and its solution closely resembled a Cabinet crisis of the pre-Fascist era. The ministerial positions were delicately balanced among various parties, and the ministry is such that it can take effective action only on those matters on which all parties agree.

PROBLEMS OF THE ITALIAN GOVERNMENT

Domestic Problems.—A people all but broken on the rack of war is in poor condition to re-create or operate its domestic political machinery. Such was Italy's situation when the war ended. The aid and restraints furnished by the Allied armies of occupation alone prevented complete breakdown into anarchy, while nurturing at the same time Italy's efforts toward self-help and restoration.

Italy's difficulties were both simplified and complicated by the Allied demands that political reorganization be effected along democratic lines, resulting in a government truly representative of the people's will. It was clear that the free and full expression of the Italian people's will could be arrived at only after adequate electoral machinery had been fully established and AMG had been able to provide for its supervision.

Immediately after the formation of the Parri Cabinet certain leftist leaders started agitation for the immediate election of the Constituent Assembly. The electoral lists were nowhere completed, and no provision had been made defining the functions and procedures of the Constituent Assembly. Local elections had been promised by the late spring or early summer of 1945, but none had been held to the end of November. Considerable progress had been made, however, in drawing up the electoral lists in the communes of southern and central Italy, and in the north AMG officials cooperated in their composition. The task was considerably increased by the decree granting suffrage to women.

There is a disposition to return to the local government laws of the pre-Fascist period as a general temporary basis for communal and provincial elections, but so far there has been no application of the pre-Fascist system. Local government continues to be determined by the emergency law of April, 1944, with all prefects in Italian territory appointed by and dependent on the Ministry of the Interior, and with the prefect of each province appointing and controlling the mayors of all communes in his jurisdiction.

Until electoral machinery is actually installed and in operation in the communes, it is doubtful whether a fair and free national election can be held. Certain leftist leaders continued to demand that national elections should be held first, and the new constitution determined, after which the communes might hold elections. The conservative leaders, on the other hand, apparently prefer to have the national election postponed until after local elections have been held throughout the country.

In September, 1945, a Consultative National Assembly (*Consulta*) was established to act as an advisory body toward the Council of Ministers. Its members, however, are appointed by the Cabinet in consultation with the various parties, including parties not represented in the Cabinet. It is expected that this body will advise the Cabinet in its preparations for the Constituent Assembly. The institutional question and the procedure for its solution thus constitute the prime internal political problems of contemporary Italy.

Another domestic problem facing the Italian government is the solution of the Sicilian separatist question. Serious riots occurred in Sicily during 1944 aimed at separating Sicily from the rest of Italy. To meet this threat Bonomi's government promised "a great experiment in regional autonomy" but flatly opposed secession of the island. Moreover, a similar problem exists with respect to Sardinia.

Italy's internal political problems would be difficult of solution in a land of plenty. They multiply in number and scope under economic conditions

where most of the forty-five million Italians are underfed, miserably clothed, and ill sheltered. They are faced with a critical shortage of everything needful for the maintenance of bare existence. War has destroyed the greatest portion of Italian industry, and inflation runs practically unchecked. The transportation and communication systems have been seriously disrupted. The extreme gravity of the economic situation concerns the United Nations no less than Italians themselves. Unless or until basic economic conditions can be raised to the point where self-help can replace relief, Italy's politics can be little more than the reflection of national apathy and despair.

Italian armed forces are under Allied control at present. In view of stated Allied policy, the peace treaty with Italy may be expected to limit the size of the armed forces which Italy may maintain to those necessary for internal security and defense. When Italy is given responsibility for and authority over her forces, it is the announced intention of the present Minister of War to create a small, compact and well-trained army, the maintenance of which would be within her anticipated economic means.

Foreign Problems.—It has previously been pointed out that Italian domestic and foreign problems are so interdependent that they cannot be considered separately other than in the matter of degree. Certain problems are here designated as foreign only because they are primarily so. Such, for example, is that of changing the status of Italy from one of ex-enemy and defeated nation to that of full-fledged member of the United Nations. Italians will support that government which offers the greatest assurance of removing the stigma of defeat and restoring Italy's prestige among the great powers. The detailed terms of the Armistice signed by Badoglio in September, 1943, were made public two years later. Its terms covered every aspect of Italy's military, civil, political, and economic life. The Armistice and supplementary agreements which were made under it placed all Italy and her possessions, territories, and material at the disposition of the Allies. Many of the specific provisions were never put into force, and others were modified in practice as Italy assumed the role of a co-belligerent after her withdrawal from the war on the Axis side. No mention of the disposition of Italian colonies or the payment of reparations to the Allies was made in the documents; these questions were left for future Allied decisions. In late 1945 there was considerable feeling both by Allied and Italian leaders that the Armistice terms should be further modified.

At Montreal in September, 1944, the United Nations Relief and Rehabilitation Administration set up a \$50,000,000 budget for Italy, but by the end of the year had been unable to ship any supplies because of the

lack of shipping space. With the increasing availability of ships that situation showed improvement in late 1945. Distribution is handled by a committee consisting of representatives of the Italian government, the Italian Red Cross, and the Vatican. In the summer of 1945 the American government extended 100 million dollars of "lend-lease" credits to Italy at the insistence of the American Army. Immediate needs which could admit no delay, such as food, medicines, and other basic items, had in the meanwhile been supplied by the diversion of military supplies of the Allied armies of occupation to relief purposes.

In their position today the Italians have found it necessary to revise drastically all colonial ambitions. The return of Emperor Haile Selassie to Ethiopia and the occupation of all other parts of the Italian Empire by Allied forces have forced the colonial question into the background. The problem remains, however, with all indications pointing to the fact that Italy's status as a colonial power in the foreseeable future will have little, if any, significance.

An unavoidable source of complication and friction lies in the fact that Italy is not at present a sovereign nation. Her relations with other powers are under the strict control of the Allies operating through the Allied Commission. An illustration of the kind of difficulties present may be seen in the fact that in the appointment of its foreign representatives the Italian government must satisfy all the Allied governments. Accordingly, all diplomatic appointments reflect some degree of compromise among all concerned.

After the fall of Mussolini and Italy's occupation by the Allies, her diplomatic relations with other nations were conducted under the supervision of the Allied governments. Relations with France have now been resumed. The Bonomi government renounced Mussolini's claim to Nice, Tunisia, and Corsica, and also renounced the special status of Italians in Tunisia created by the Convention of 1896.

The rapid collapse of the German armies permitted the Yugoslav forces to occupy parts of Venezia Giulia before the arrival of British and American troops. The city of Trieste was later turned over to AMG in order that it might serve the line of supplies for the armies in Austria, but Yugoslav military government was maintained in most of the region. Marshal Tito's government seems determined to gain for Yugoslavia, if it can, the whole of the eastern area annexed by Italy following World War I. Although the problem of Trieste is probably the most critical, other frontiers are disputed, and there is great doubt regarding the ultimate disposal of the Italian colonies. On the agenda of the Council of

Foreign Ministers of the leading Allied powers, which met in London in September, 1945, was the negotiation of a peace treaty with Italy. The achievement of a definitive peace is a crying need of the Italian people, and the Italian government needs a treaty that it can ratify without losing popular confidence.

The Italian Social Republic

1943–1945

THE PUPPET REGIME OF NORTHERN ITALY

Characteristics of the Regime.—After the surrender of the royal Italian government to the Allies in the fall of 1943, the German Army was able to maintain itself in an ever-decreasing area of central and northern Italy until May, 1945. For the purposes of maintaining order and securing aid in the governing of the Italian territory within their lines, the Germans aided the creation of a puppet state, called the Italian Social Republic. This government was based upon the remnants of Mussolini's discredited Fascist political structure. Mussolini headed the Italian Social Republic from the time of his rescue from prison by Nazi paratroopers in September, 1943, until his death. It seems clear, however, that Mussolini was never more than a figurehead in this so-called republic.

The subordination of the Fascist Italian Social Republic to German authorities was clearly stated when it was announced in 1943 that German troops were taking over the "protection" of Italy. The government exercised only the powers recognized or allowed by German authority. German commanding officers gave all necessary instructions and directives; Italian authorities were held responsible for their execution. In brief, the Italian Social Republic was not a sovereign state but a puppet regime, acting for the German Army.

The new regime was announced on September 15, 1943, in an order signed by Mussolini and broadcast by a German-controlled Italian radio station. He declared his resumption of the supreme direction of Fascism and ordered the reconstitution of the Fascist Party as a Republican Fascist Party, as well as the revival of all Fascist Party organizations and all units and special branches of the Voluntary Militia for National Security. Mussolini announced his intention of continuing the war in alliance with Germany and Japan. The new state was then called Fascist Republican,

but three months later the Fascist label was dropped and the puppet state became the Italian Social Republic. The Italian monarchy was declared abolished, and Mussolini formally assumed the office of Head of the Republic.

Executive Agencies.—The Cabinet of the Italian Social Republic included the traditional Italian ministries, with the exclusion of only the Ministry of Italian Africa and the Ministry of Foreign Trade and Exchange, which was merged with the Ministry of Finance. The three Ministries for Army, Navy, and Aviation were merged into one Ministry for National Defense. The Ministry of Corporations was called the Ministry of Corporative Economy. During the period when Rome was occupied by the German Army (September, 1943—June, 1944) the Social Republican government operated from Rome, while Badoglio exercised his authority from Palermo. After that time the former operated from headquarters in northern Italy, principally Milan.

Other Governmental Agencies.—The Fascist Militia was merged in December, 1943, with the newly created Republican National Guard. The national police force was also reorganized into a new republican police under the Ministry of Interior. In this complete reorganization, all provincial police chiefs were removed and replaced by Republican Fascists.

The Senate, which the King formerly appointed, was dissolved.

In economic affairs no attempt was made to re-establish the former corporative organization. It was announced that the nine confederations would be merged into a single union, the choice of syndical leaders would be based on the principle of free election by workers' assemblies, the workers' shop committees which were organized under the Badoglio regime would be reorganized, and they would continue to work as they had formerly done. A National Commissariat of Labor was created with jurisdiction over labor conditions, salaries, and—to a certain extent—price control. The pro-labor policies which were announced by the Republican Fascist puppet government, however, did not gain the support of the masses in the industrial centers of northern Italy. Demonstrations and strikes took place in the most important centers, causing the Germans to take direct charge of maintaining public order through the declaration of a state of siege in several places.

International Relations.—Although Republican Fascist allegiance to the Tripartite Pact with Germany was repeatedly confirmed, no Republican Fascist military units fought with their German allies. It may also be noted that the proposal for a Republican Fascist constitution did not contain any claims to Albania, Dalmatia, Corsica, or Nice, and that it

dropped the idea of a "New Order" in Europe, advocating only a voluntary adherence to a continental European community against England.

As for inter-Axis relations, the provinces of Pola, Trieste, the South Tyrol, and Gorizia were until 1945 practically incorporated into the German Reich. Moreover, Nazi party leaders were appointed for the three northern provinces of Trento, Belluno, and Bolzano, the latter being the province which runs up to the Brenner Pass. The appointment of these Nazi Party district leaders in Italian provinces indicated a German determination to control the provinces politically.

End of the Regime.—With the collapse of its sole pillar of support, the German Army, the Italian Social Republic fell in May, 1945. Thus, Mussolini's last attempt to bolster declining Fascism on the Italian peninsula ended in complete failure. By suffering death at the hands of Italian patriots, he himself paid the supreme penalty for his efforts to impose further Fascist dictatorship on his people.

THE GOVERNMENT OF GERMANY

GERMANY IN TRANSITION

Interim Status of Political Institutions.—Total defeat and unconditional surrender leaves the German nation today without any central government of its own. German territory is being occupied by the armies of the Soviet Union, the United States, Great Britain, and France, each governing a specific zone. Under this system the chaotic domestic conditions of prolonged war and devastating defeat are being gradually rectified, with the immediate emphasis on the re-establishment of order, restoration of the minimum economic base necessary to the people's bare existence, and reconstruction of the institutions of local government.

In a governmental sense it is not correct to say that a German state exists today. On the other hand, a nation of German people with a long national tradition does exist and continues to assert an influence, however indirect, on world affairs. That influence would be felt as much if not more, if Germany were left to die of starvation and disease among her ruins. The resultant loss of Germany's productive and consuming power, long a vital factor in Europe's economic life, could not fail to have serious adverse effects on the Continent's convalescence from the ravages of war. No less important are the ultimate decisions and actions of the Allied Nations which will determine whether the future Germany is to function as a single economic unit or as separate areas under varying degrees of outside control. For practical reasons it must be assumed that the political organization created by the Allied Control Council will conform to the economic pattern laid down, at least to the extent and for the period of time decreed by the Allied Nations. One may assume also that many of the roots of Germany's traditional political system which have persisted through the years of major political changes from 1870 to 1945 will be found still alive after Germany has again become master in her own house. For that reason a survey of Germany's political past is im-

portant for any student of affairs concerned with her future. The "past," in that connection, carries in point of time down to the hour of Germany's unconditional surrender to the Allied Nations. Obviously any references to a political picture which preceded that event must for the present be expressed in the past tense, the device followed in the discussion below.

BACKGROUND OF GERMAN GOVERNMENT

The Hohenzollern Empire.—During the first half of the nineteenth century German nationalists called loudly for the consolidation of the numerous, petty German states into a single nation. After years of working for this goal, years of war and of intrigue, Chancellor Otto von Bismarck and King William I of Prussia created a united German Empire in 1871. The new government was proclaimed in the Hall of Mirrors at Versailles at the culmination of the Franco-Prussian War.

Although this Empire was in appearance a federal state with a constitution, it had in reality neither a true federal nor a democratic government. Prussia, which comprised most of its territory and population and an even larger percentage of its industrial wealth, exercised hegemony over its smaller states. The Prussian King was the German Emperor and the Prussian Prime Minister was the German Chancellor. Thus Prussia had a far-reaching control over the executive branch of the government. Executive control was complemented by Prussia's domination of the Federal Council (*Bundesrat*). The imperial Constitution allotted a definite quota of seats in the Federal Council to each state. Prussia's share, seventeen of a total of forty-three, was ample to assure reasonably effective control. It should be noted that the Federal Council was not a parliamentary body in the true sense, but merely an assembly of the representatives of the federated states, owing their appointment and allegiance to the heads of those states. Certain political functions were left outside the control of the Federal Council, among them the vital one of defense matters. The German Army in fact was largely Prussian in its makeup, almost wholly so in its direction.

The Hohenzollern Empire also had a second, representative body of limited legislative powers—the Reichstag. That body controlled neither foreign nor domestic policy, but it shared with the Federal Council the power to make law. Since it was elected by universal manhood suffrage its principal service was to focus popular trends upon political issues. At the same time its powers were held in check by the reactionary policies of the Federal Council and by the Hohenzollern dynasty. The Empire may be classed as a limited monarchy, highly reactionary in motivation and pro-

cedures, which made sporadic concessions to social demands in order to bolster national unity.

The Versailles Treaty.—The defeat of Germany's armed forces in World War I and the resulting overthrow of the Hohenzollern dynasty ushered in a period of profound political change in Germany. On the call of a self-constituted provisional government, known as the Council of People's Commissioners, a national Constitutional Assembly met in the city of Weimar to draft a constitution for a German republic and to make a peace with the victorious Allied powers. Representatives of this newly formed Weimar Republic went to Versailles, France, where on June 28, 1919, they accepted Allied peace terms. Under the resulting Versailles Treaty these representatives of Germany accepted for their nation full responsibility for the losses which the Allies had suffered during the war. They agreed to pay for all of the damage done by German armies to the civilian populations of the Allied powers. Although the peace conference was unable to compute the sum of these reparations payments, a commission in 1921 fixed their total at thirty-two billion dollars. Moreover, the Germans agreed to deliver to the Allies large numbers of locomotives, railway cars, automobiles, farm machines, horses, swine, sheep, and cattle. They surrendered the major part of their merchant marine and agreed to construct one million tons of new ships for the Allied nations. They agreed also to make large deliveries of coal, dye-stuffs, and chemicals.

Territorially, the Treaty reduced the German Empire in area and population by approximately one tenth. The provinces of Alsace-Lorraine, small districts near Belgium, West Prussia, Posen, Upper Silesia, Schleswig, and the Saar Basin were removed from German control. Germany renounced all rights to her overseas possessions.

To guarantee future peace, surrender of the German Navy and a limitation of its future size were required. The Army was reduced to one hundred thousand men. No submarines or military aircraft were to be maintained, and all fortifications were to be dismantled eastward from the French frontier to a line fifty kilometers east of the Rhine River. The left bank of the Rhine was to be occupied by Allied troops for fifteen years, with the right of reoccupation after that period.

Since the Weimar Republic was the government which accepted the peace terms which the Allies placed upon Germany, it had to bear the onus of having "humiliated" the nation. German nationalists repeatedly accused the Republic of having betrayed Germany by accepting the peace treaty. Thus, at the very outset of its struggle for existence, the Weimar Republic, born of defeat and revolution, was handicapped not only by foreign demands

upon its resources but also by domestic opposition to many of its most important policies.

The Weimar Constitution.—The Constitution which the National Assembly promulgated in August, 1919, created in Germany a democratic republic of federated states. The executive authority was vested in a President, elected by direct universal popular ballot for a term of seven years. The President was given command of the armed forces, the right to issue emergency decrees, and other important powers. However, abuse of these powers was checked by the necessity of obtaining a ministerial counter-signature to all acts.

Legislative power was given primarily to a popularly elected chamber called the Reichstag (National Assembly). A second body, the Reichsrat (National Council), represented the German states in the formulation of the laws of the Reich. The Reichsrat was not a true upper house, inasmuch as its share in legislation consisted chiefly in assenting to Cabinet bills or demanding their presentation before the Reichstag, postponing the promulgation of laws, causing the Reichstag to reconsider them, or bringing about a popular referendum under certain special conditions.

The Reich and the states had concurrent legislative power (with the Reich law prevailing in case of conflict) over a long list of subjects. Only the Reich exercised legislative power over foreign affairs, colonial affairs, citizenship, emigration, military organization, coinage, customs, and the post and telegraph systems.

Like the Reich, every state had its own constitution. Cabinets were responsible to the popular legislative chamber, the members of which were elected by direct and universal suffrage, employing the secret ballot.

The President of the Reich was given supreme command over all armed forces of the Reich. He appointed the Chancellor (Prime Minister), and upon the proposal of the latter, he likewise appointed the various national ministers. The Chancellor and the Cabinet were responsible to the Reichstag.

The Weimar Constitution gave the President power to take measures for the restoration of public safety and order when such safety and order were seriously disturbed or endangered. Unfortunately for democratic government, emergencies were declared which were not generally considered to fall within the meaning of the Constitution, and the German people thus became accustomed to the suspension of their constitutional rights and to government by decree for some years before Hitler came to power.

An independent judiciary was guaranteed by the Constitution. Extraordinary courts were prohibited; the high court and the regular state courts

were authorized to exercise ordinary jurisdiction. Administrative courts were also recognized.

A considerable amount of attention was given to economic matters. Although property rights and freedom of contract were guaranteed, provision was made for the socialization of economic enterprises, subject to compensation. A national Economic Council was established, in which the various occupational groups were represented according to their economic and social importance. This Council had the right to discuss all fundamentally important bills in the field of economic and social policy before such bills were introduced by the Cabinet into the Reichstag. It could also prepare bills and have them introduced.

An impressive list of the rights and duties of Germans appears in the Constitution. Equality before the law, freedom of the person, freedom of assembly, and freedom of speech and the press are but a few of the guaranteed rights. In sum they established the framework of a thoroughgoing, modern democracy.

DEVELOPMENTS UNDER THE WEIMAR REPUBLIC

Parties and Plots.—The Social Democratic Party was numerically the strongest political group in Germany during World War I. Nevertheless, as the war ended and the Weimar Republic was established, this party was unable to exert strong leadership because it had split into three groups. Its largest wing, the Majority Socialists, was led by Friedrich Ebert, first President of the Weimar Republic. It favored a moderate program of progressively socializing industry. Another wing, the Independent Socialists, insisted upon the immediate socialization of industry by constitutional means; while the third wing, the radical Spartacists, clamored for a Communist dictatorship of the proletariat on the Russian model. After heavy bloodshed, a Spartacist revolt was suppressed by the provisional government in January, 1919.

At the Weimar Constitutional Assembly in 1919 the Majority Socialists had the largest number of delegates but no political party had a clear majority. Only with the aid of the Democratic Party (bourgeois republicans) and the Catholic Center Party were the Majority Socialists, or Social Democrats, able to assume leadership in framing the Constitution. In the first Cabinet of the Republic this same bloc of parties controlled. They formed a center group, with their opposition divided between the Independent Socialists on the Left and the Nationalist Party of conservatives and monarchists on the Right. Under Majority Socialist leadership the Weimar Republic attempted a program of reconstruction and moderate reform.

Radical groups of both the Left and Right were dissatisfied with the moderation of the dominant parties. The Communists incited further abortive plots against the government. More threatening were the Nationalist demonstrations, led by ex-army officers who were disgusted with the rule of Socialists and liberals and who charged that these groups had "betrayed" Germany by signing an ignominious peace. In 1920 a group of ex-soldiers marched on Berlin but was thwarted in its rebellious efforts. Three years later General Erich Ludendorff and an obscure propagandist, Adolf Hitler, attempted to overthrow the "inglorious republic" in a *putsch* in Munich. They were unsuccessful, and Hitler and several of his followers were sentenced to prison.

Inflation.—The Weimar Republic inherited from World War I a depleted treasury, an inflated currency, and a chaotic economy. The demobilization of the army, added to inflation, loss of purchasing power by the middle classes, and decline of foreign trade, created a vast army of unemployed. The government had to make large reparations payments and meet the expenses of the Allied armies of occupation. Unable to meet its expenses by taxation or loans, the government began to print paper money supported only by its promise to pay. As a result the German mark by 1923 reached a value of four trillion to one dollar. This uncontrolled inflation destroyed the people's savings, insurance, and fixed obligations, such as bonds and debentures. The middle class was virtually bankrupted. The government was by no means blameless in the debacle. It is not too much to say that a temporary period of national bankruptcy was welcomed by those in authority as a means of ending reparations payments. Desperate measures of economy, providing a new currency, and borrowing from abroad—all of these were steps which had to be taken by the government in order to create a stable financial order. Partial recovery followed these measures only to vanish in the world depression of 1929–1933. By the latter year seven million Germans had become unemployed and suffering was widespread.

Socialist Program.—The republican government extended its control over railroads, banks, mines, public utilities, and other enterprises in the public interest. Railways and air lines were governmentally regulated. Labor unionization was encouraged, arbitration was facilitated in wage disputes, and special labor courts were organized. Women were emancipated—legally, politically, and economically.

Foreign Relations.—The heritage of hate which World War I left in Germany was expressed in several ways. The German people resented the clause in the Versailles Treaty which declared Germany "guilty" of

forcing war upon the world and therefore liable for reparations payments. They denounced the loss of their overseas territories without compensation, and they deplored the humiliating and defenseless position to which the Versailles Treaty had reduced them.

In 1923, after Germany had defaulted on her reparations payments, France seized the Ruhr Valley. In the following year the Dawes Plan reduced the size of annual reparations payments, secured for Germany a foreign loan, and led to the French evacuation of the Ruhr Valley. For a few years thereafter Franco-German relations improved greatly. At the Locarno Conference of 1925 both nations agreed to respect their existing frontiers. The next year Germany was given full membership in the League of Nations and a permanent seat on the League Council. When the Kellogg-Briand Peace Pact was proposed in 1928, Germany was one of the first to concur in renouncing war as an instrument of national policy. Shortly after this, the Young Plan reduced German reparations to eight billion dollars, although this proved to be still too large a sum for a reluctant debtor to pay in a period of economic depression. The Hoover moratorium of 1931, suspending all reparations payments for a year, proved to be the last act in the fiasco of collecting from Germany. Payments were never resumed. On net balance Germany actually got more in foreign cash and credits (chiefly American) than she paid out as reparations.

In 1930 the last Allied forces of occupation were withdrawn from the Rhineland. Yet even these achievements of the Weimar Republic in diplomacy did not erase the discontent which Germans felt over the remaining military and territorial strictures of the Versailles Treaty.

Causes of the Downfall of the Weimar Republic.—The Weimar Republic was created under unfavorable circumstances and was repeatedly faced with difficult tasks at home and abroad. The factors which contributed to the collapse of the Weimar government were many: (1) The Weimar Republic had neither effective leaders nor a leading party. Its politically dominant Majority Socialists were moderate, unimaginative, and inexperienced in statecraft. (2) Anti-republican elements held important positions in the government. The Majority Socialists depended on the old imperial bureaucracy for administrators, even though the bureaucrats despised the Republic and plotted against it. The standing army was permitted to become an independent power, instead of being subordinated to the civil authority. (3) The Weimar Republic permitted such complete freedom of expression and action that its enemies were able to incite contempt for it and to organize against it. (4) Since no party had a majority in the Reichstag the successive Cabinets were supported by coalitions, none of which was very stable. (5) The tradi-

tion of authority in German culture led to an aversion for a vacillating government. The election (1925) of Field Marshal Paul von Hindenburg as President of the Republic reflected a persistent veneration for the principles of discipline and authority which had distinguished the imperial regime. When he was re-elected in 1932, it was significant that the monarchists and militarists who supported him in his first election in the belief that he would impair the Republic had been disappointed and had turned to other leaders.

THE RISE OF NATIONAL SOCIALISM

Adolf Hitler.—Just as Russian Communism and Italian Fascism were largely the work of single leaders, so the National Socialist German Workers' Party organization (*Nationalsozialistische Deutsche Arbeiterpartei*, often referred to as the NSDAP) was created by a very remarkable man, Adolf Hitler. Born of a lower middle class family in Braunau, a small town on the Austro-German frontier, he went as a youth to seek his fortune in Vienna. While he had hoped to become a creative artist, actually he was reduced to seeking a meager income as an insignificant, odd-job painter, decorator, and draftsman. In the bitterness of his failure he reacted violently against Vienna's cosmopolitan life in which he could find no place. He came to hate the Austrian national state and the urbane Jews whom he found in its capital city. As his bitterness grew he sought solace by embracing the twin ideas of German nationalism and of the superiority of the Aryan race.

In 1912 Hitler moved to Munich. During World War I he served in a Bavarian division until he was gassed and hospitalized. When defeat and revolution came to Germany following the war, all that he despised most seemed to him to have triumphed: international socialism, liberal democracy, the Allies, and the Jews. As a result, he entered politics with a consuming passion to resurrect the defeated national power of the German people and to scourge the objects of his hatred.

A small group which called itself the German Workers' Party had been founded in Munich in January, 1919. Hitler became its seventh full-fledged member and soon afterward its chief propagandist. In order to benefit from the popularity of nationalism and socialism, he changed its name to National Socialist German Workers' Party. As the party prospered Hitler issued, in late 1920, a bi-weekly newspaper, the *Völkischer Beobachter*. A few months later he was elected party Leader or party *Führer*. Under his guidance National Socialism had become an important political movement in Germany by 1923.

The failure of Hitler's Munich *putsch* on November 9, 1923, was but a

temporary reverse. He and his associates received five-year jail sentences, and the party was disbanded. However, within one year Hitler was released from prison. Shortly afterward he published his book, *My Battle (Mein Kampf)*, re-established his newspaper, and rebuilt his party. Cleverly he worked to win the electorate. He diminished his earlier emphasis on the infamy of the Versailles Treaty and turned all the fury of his oratory upon the peril of Communism. These were the days of the Locarno agreements and a growing German Communist Party.

The new strategy brought large contributions to party funds from wealthy industrialists who, though secretly despising Hitler, thought they saw in him a convenient tool which they could use to destroy the power of the Weimar Republic and all Socialist influences. The party used its funds to hold huge mass meetings, finance new propaganda, uniform its Storm Troopers, break up Communist meetings, terrorize the people, spread racial hatred, and paint a picture of the Weimar Republic as a weak government that had accepted a shameful peace. Actually, one weakness of the Republic lay in its too literal interpretation of the rights of free speech and free assembly. The Nazis were allowed to say and do things that should have meant, at the very least, arrest and imprisonment on two counts—for the disturbance of public order and for open incitement to violence and revolution.

Capitalists, nationalists, militarists, war veterans, authoritarians, and above all, masses of the disillusioned middle classes enthusiastically supported the National Socialist or Nazi program with their votes. As the public distress increased during the depression years after 1929, as unemployment rose, as more people turned to radical groups for solutions to national problems—even larger numbers supported the Nazis. The eight hundred thousand Nazi votes in the 1928 elections increased to six and one-half million in 1930. In the 1932 elections von Hindenburg, the Republican presidential candidate, polled eighteen million votes, to eleven million for Hitler and five million for the Communist candidate. The Nazis won two hundred and fifty Reichstag seats. Von Hindenburg distrusted Hitler as a demagogue; but the President was a very old man who, though he had been a great warrior, had no real understanding of political and social events and their significance. His trusted advisers included wealthy Junker landowners who agreed with the industrialists in supporting Hitler. Thus, von Hindenburg was finally persuaded that Hitler was the best choice he could make for the office of Chancellor.

The Program of the National Socialist Party.—The National Socialist Party program appealed to the passions aroused in Germany by the Ver-

sailles Treaty and by the acute economic suffering which followed World War I. The Nazis bade Germans take heart, awaken, unite, and seek revenge. They charged that Germany had been betrayed by the republicans who revolted in 1918, and they preached that the German imperial armies had not been defeated. They agitated against fulfilling the terms of the peace treaty and for their own program.

The Nazi program of twenty-five points was published in 1920. It called for a union of all Germans in a Greater Germany. It demanded the abolition of the Versailles Treaty, the acquisition of land for "surplus" German population, the exclusion of non-Germans from Germany, the denial of citizenship to Jews, and their total expulsion from public life. Regarding economic and social matters, the program proclaimed equality of rights and duties for all citizens, made community work a duty, demanded the abolition of unearned incomes, insisted upon the confiscation of all war profits, urged the nationalization of trusts, called for profit sharing in large industries, and favored pensions for the aged. In addition, the program urged protection of middle-class business interests, reform of landownership, and suppression of speculation in business. It denounced Roman law and called for a new German common law. In education, the program demanded national reform to fit youth for "the requirements of practical life." In the remaining points, the Nazis demanded a strong army, a controlled press, a "positive Christianity," and a strong central government. In sum, the program was an effective catch-all to corral the support of a wide range of political and social groupings. Interestingly enough, this party program contained no mention of the basic Nazi leadership principle. In the main, however, the program became a blueprint of later action.

Creation of a Totalitarian State.—When Hitler became Chancellor in January, 1933, his party did not enjoy a majority in the Reichstag. To gain his ends he had to form a coalition ministry. That it was merely a stepping-stone to direct personal control soon became apparent. At Hitler's instance, a dissolution of the Reichstag was promptly decreed by President von Hindenburg and a new election was ordered. Most opportunely for the Nazis the Reichstag building was burned under suspicious circumstances just before the election. On the basis of flimsy evidence the Nazis created the bogey of a nation-wide Communist uprising, which persuaded many Germans to turn blindly toward Hitler as the preserver of law and order.

The incident gave Hitler the pretext for persuading President von Hindenburg to sign a Law for the Protection of the People and the State, under which the personal liberty clauses of the Weimar Constitution were suspended. This law was used ruthlessly to arrest and harry not only Com-

munists but also Democrats and Majority Socialists. The Communist Party was suppressed. In the elections which followed, the Nazis polled 44 per cent of the votes, the Nationalists 8 per cent. Although the Majority Socialist Party represented almost 18 per cent of the electorate, it too was suppressed a few months after the election, and its deputies in the Reichstag were unseated. Thereupon the Nationalist Party merged with the Nazis and the remaining parties were dissolved. This gave the Nazis political control of the state, and made their party the only legal party.

Although the Weimar Constitution was not repealed, Hitler moved rapidly to transform the German Republic into a totalitarian state. Symbolically, he convoked the Reichstag at Potsdam in March, 1933, and proclaimed the Third Reich—a successor to the Holy Roman Empire and the Hohenzollern Empire. He later induced the Reichstag to pass an Enabling Act giving his Cabinet full legislative power for four years. This law was later extended from time to time. It actually terminated the Weimar Republic and established the Nazi dictatorship.

In 1933 and 1934 the states were deprived of legislative power and incorporated more closely into the Reich. A national governor was appointed in all the states except Prussia, where the tasks of coordination and other administrative functions were given the provincial governors. The National Council (Reichsrat) was abolished in 1934. At the time of von Hindenburg's death in the same year, an Act concerning the Head of the German Reich merged the offices of President and Chancellor, and provided that the powers of the former office should be exercised by the Leader (*Der Führer*). The new office also included the power of Supreme Commander of the Armed Forces.

Having achieved control of the government, national and local, and having achieved full legislative and executive authority, Hitler next moved to destroy any malcontents within his own party. Suspecting disloyalty among the officers of his partisan army, the Storm Troopers, he had sixty of these leaders and other suspected party members executed without trial in June, 1934. With this demonstration of the dangers of insubordination, Hitler stood unchallenged in state and party. He possessed greater powers than any previous German ruler.

NATIONAL SOCIALIST DOCTRINE

National Socialist Ideology.—The political and economic principles of National Socialism were diametrically opposed to those underlying British or American democracy, or, indeed, democracy by any acceptable definition. The Nazis considered a highly centralized government of broad scope the

ideal political form for the control of human society. They favored a totalitarian state, with the political and economic regulation of the individual and of society carried to the point where personal freedom ceased to exist and opposition became a crime against the state.

The theoretical principles of the Nazi state were by no means the product of recent thought. They can be found in the philosophy of many individuals in many ages and many countries. In Germany during the last century, principles similar to Nazi ideas were advocated by many leading thinkers. Adolf Hitler cunningly utilized this philosophical background as a basis for creating his political power.

According to Nazi ideology, the National Socialist state rested on three basic concepts: The "folk" (*Volk*) or people, *Der Führer* or the Leader, and the movement or party. Each of these main ideas was developed by corollaries, many of which were purposely vague and mystical.

The "Folk."—The concept of the "folk" was the belief in the people's existence as a self-conscious political community. The "folk" was not necessarily the sum of the inhabitants of a state. The "folk" was a product of race, soil, language, religion, and history. It possessed a consciousness of its solidarity and unified will. Thus, the German "folk," according to the theory, formed a closed community which recognized no national boundaries. Individuals were important only as they could be identified with the "folk." The state existed in order to aid the "folk" to develop itself more fully. This was the theoretical basis for the authority of the Third Reich. The "folk" state was the justification which Hitler used in demanding that Germans in foreign countries should identify themselves with the aims of Germany.

Racial Superiority.—A corollary to the concept of the "folk" was the theory of the racial superiority of the Aryan, i.e., the German, a person of related blood. According to this view, all the achievements of the Western world were Germanic. It followed from this premise that if Germanic blood were to be diluted, Western culture would suffer. This racial theory formed the basis for discrimination against "non-Aryan" races within the Third Reich. Moreover, the Nazis reinterpreted history, science, music, and other branches of learning and culture in keeping with their racial theories.

The Leadership Principle.—In Nazi ideology, *Der Führer* or the Leader was supposed in some intuitive manner to embody and give expression to the aspirations and wishes of the "folk." His authority was supreme, his decisions were final and always right, and his followers owed him the duty of unquestioning obedience. Whenever he saw fit, the Leader delegated responsibilities to a hierarchy of subordinate leaders, each of whom owed

unconditional allegiance to his immediate superior and at the same time was the absolute leader in his own sphere of jurisdiction. The Nazis declared that the true will of the people could not be expressed through parliamentary votes, but (in its pure and uncorrupted form) only by the Leader. Since the Leader was free from and above all pressure groups, he could accurately transform the feelings of the whole people into a conscious will. Under the theory, plebiscites were not thought of as democratic referendums. Their purpose was not to give the people an opportunity to decide some issues, but rather to express the unity of the people in supporting a decision which the Leader had already made.

The Party.—Intermediate between the “folk” and the Leader stood the party or the ruling class. The party members owed the closest personal allegiance to the Leader. They represented not only a link between him and the “folk,” but also the instrument through which his plans were realized, his intentions carried out. The party was charged with educating the mass of the people into a “politically conscious” or Nazified group. It disseminated Nazi principles, it selected the leaders of the future, and it shaped the “political will of the people” in accordance with the Leader’s aims.

In keeping with these totalitarian functions, the National Socialist Party became the only legal political organization in the Third Reich. The party did not identify itself with the state, as did the Fascist Party in Italy. It insisted that it did not wish to dominate the state. Theoretically it worked beside the state and cooperated with it. Nevertheless, the party leaders in practice often served as government officials on all levels of administration, with the result that the state was in fact controlled by the party.

The Totalitarian State.—National Socialism in Germany set as its goal the complete refashioning of economic society, while formally retaining the institutions of private property and capitalism. It sought in some measure to reconcile these institutions with the totalitarian idea which required that all the activities of the people, whether political, economic, or cultural, should be under the control and guidance of the state. It envisaged a widespread mobilization of all these activities as a normal, rather than an emergency, condition. The government was to be the agency through which all human interests were managed. This totalitarian concept provides a key to the understanding of what the Nazi government did during the past few years not only in the domains of industry, labor, trade, agriculture, and finance, but in its extension of control over the churches, the press, and even the recreational activities of the people.

Imperialism.—Glorification of racial destiny and strong leadership naturally produced an imperialistic foreign policy. This imperialism expressed itself largely in the desire to gather all persons of German blood into the Reich (Pan-Germanism), and to secure ample territory (*Lebensraum*) for the development of a greater German State.

Militarism.—National Socialism included the ideals of disciplined organization and aggressive pursuit of party goals. The former provided the means; the latter, the objectives for Nazi militarism. National Socialism revived the old ideal from which the civilized world was beginning to escape, that war and the use of force are glorious in themselves. Repeatedly, in domestic political struggles and in international relations, the followers of Hitler demonstrated their belief in the ruthless use of force.

Opportunism.—It should be pointed out that National Socialism has been opportunistic. Like Italian Fascism, it fitted its theoretical conceptions to its momentary purposes. National Socialist theory has been used as a means to attain and to maintain political power, rather than as an end in itself. For example, although the Nazis consistently maintained their principle of racial "purity" as a basis for all culture, they officially declared that the Japanese were Aryans when it became desirable for Germany to make an alliance with Japan.

Irrationality in National Socialism.—At its core, the Nazi philosophy was irrational; it stood in opposition to the use of human intelligence. It substituted irrationality for reason in science, force for consent in the regulation of civil society, and conquest for friendly intercourse in the international community. It demanded blind, fanatical acceptance of the authority of the Leader. Finally, it insisted upon the view that the Leader by intuition, not by reason, could divine the will of the political community.

THE GOVERNMENT OF THE THIRD REICH

Absence of Constitutional Law.—Although never formally abolished, the Weimar Constitution was suspended in 1933 and was not applied after that year. The German government under Hitler—meaning in the last analysis Hitler himself—held all legislative, executive, and administrative power. Its decrees were called law and were enforced as law. What this amounts to, basically, is that the will of the Leader was the supreme law of the land in the Third Reich.

The Leader (*Der Führer*).—As has just been stated, all public authority was concentrated in the hands of the Leader. Hitler was not only a chief of state with the powers of an unlimited monarch, but also the Supreme Commander of the Armed Forces, and the Supreme leader of the Nazi

The German Enabling Act Of March 24, 1933

This so-called Enabling Act, pushed through the Reichstag and the National Council (Reichsrat) following the election of March 7, 1933, and after a threat by Chancellor Hitler that he would act even if the bill were not passed, is the first basic law of the Nazi state. From the moment this law became effective, the Reichstag became a supernumerary body. The National Council (Reichsrat) has since been abolished.

The Reichstag has enacted the following law which, with the consent of the Reichsrat and after determination that the requirements for laws changing the constitution have been complied with, is hereby promulgated:

Article 1. National laws can be enacted by the national Cabinet as well as in accordance with the procedure established in the Constitution. This applies also to the laws referred to in article 85, paragraph 2, and in article 87 of the Constitution.

Article 2. The national laws enacted by the national Cabinet may deviate from the Constitution insofar as they do not affect the position of the Reichstag and the Reichsrat. The powers of the President remain undisturbed.

Article 3. The national laws enacted by the national Cabinet are prepared by the Chancellor and published in the *Reichsgesetzblatt*. They come into effect, unless otherwise specified, upon the day following their publication. Articles 68 to 77 of the Constitution do not apply to the laws enacted by the national Cabinet.

Article 4. Treaties of the Reich with foreign states which concern matters of national legislation do not require the consent of the bodies participating in legislation. The national Cabinet is empowered to issue the necessary provisions for the execution of these treaties.

Article 5. This law becomes effective on the day of its publication. It becomes invalid on April 1st, 1937; it further becomes invalid when the present national Cabinet is replaced by another.

Berlin, March 24th, 1933.

The National President
VON HINDENBURG

The National Chancellor
ADOLF HITLER

The National Minister of the Interior
FRICK

The National Minister of Foreign Affairs
FREIHERR VON NEURATH

The National Minister of Finances
COUNT SCHWERIN VON KROSIGK

Party. In view of these prerogatives, it becomes clear that there were no legal limitations upon the power of the Leader in the Third Reich.

Of necessity, Hitler delegated some portions of his authority to a governmental and a party hierarchy in which each official acted for him. The extent to which Hitler actually participated in government is unknown. Civil administration interested him much less than foreign policy. During World War II, it is generally believed that he actively directed many military operations, assuming full control after the German failure to capture Moscow in the winter campaign of 1941-1942.

The Ministerial Council for Defense of the Reich.—Since the governmental machinery needed for war had been carefully prepared and was in effective operation in the Third Reich for a number of years prior to World War II, Germany made the transition from peace to war conditions without any major reorganization. The most important governmental change was the creation by Hitler's decree on August 30, 1939, of a six member Ministerial Council for Defense of the Reich. The Ministerial Council included Reich Marshal Hermann Goering as chairman, the Minister of Economic Affairs, the Minister of the Interior, the Chief of the Reich Chancellery, the Leader of the Party Chancellery, and the Chief of the High Command of the Armed Forces. The Ministerial Council acted as a general staff for coordinating civil defense and economic matters, concentrating authority in military and political matters, expediting decisions relating to broad national policies, and relieving the Leader of administrative problems. It became, next to the Leader, the most powerful influence in Germany.

The Ministerial Council had both legislative and executive power in conducting its activities. It issued decrees having the force of law but could delegate its power to issue decrees to the single member of the Ministerial Council in whose sphere any particular matter lay.

Members of the Ministerial Council made important changes in national administrative procedures. They organized Reich Defense Districts to correspond to the Nazi Party districts (*Gaue*). In these areas they gave each party district leader (*Gauleiter*) the new office of Reich Defense Commissioner. These Defense Commissioners were the regional executive agents of the Ministerial Council. Their main function was the coordination of civil defense measures, in effecting which they were authorized to give orders to administrative agencies.

The Cabinet.—The Leader appointed a Cabinet of Ministers, each of whom headed one or more of the main administrative departments of the government. Each department had a civil service bureaucracy. The Cabinet ministers shared with the Leader the power to make law by decree;

but with the creation of the Ministerial Council for Defense of the Reich, much of the Cabinet's legislative power was absorbed by it.

The Cabinet functioned within the framework of the dictatorship. Its members were individually responsible to the Leader. Within the fields of their assigned jurisdiction, Cabinet ministers were free to act, subject only to their responsibility to Hitler. He instructed and dismissed ministers at his discretion. Since there was no collective responsibility of the Cabinet and since Hitler preferred to consult his ministers singly, Cabinet meetings were rare. Before the defeat of Germany in 1945 there were fifteen Cabinet ministries: Foreign Affairs, Interior, Propaganda, Justice, Economics, Finance, Food and Agriculture, Labor, Armament and War Production, Air, Education, Church Affairs, Transport, Post, and War. In addition the Cabinet had a varying number of ministers without portfolio. Normally, very few changes were made in the personnel of the Cabinet.

The Ministry of Propaganda and Public Enlightenment.—Under the skillful guidance of Paul Joseph Goebbels, the Ministry of Propaganda and Public Enlightenment thoroughly exploited its control of press, radio, theatre, moving pictures, universities, schools, and all forms of intellectual activity. This ministry became one of the most vital governmental institutions. In an extremely blatant but adroit fashion, it instilled Nazi doctrine throughout the length and breadth of Germany and attempted to convert people of other nations to the Nazi ideology. The technique of foreign propaganda of this department has been attacked by many commentators, but its effectiveness within Germany has not been questioned.

The Political Police.—Because every totalitarian state makes such great demands upon its citizens, it cannot count on their continuing loyalty and enthusiasm. As a result, it must maintain its power largely through coercion. The instrumentality of that coercion in Nazi Germany was the Secret Police or Gestapo (*Geheime Staatspolizei*).

The Gestapo was founded by Goering in Prussia in 1933 as a separate police force. In April, 1934, it was centralized under Heinrich Himmler. Thereupon the Gestapo became a self-contained system of justice under the orders of Himmler and Adolf Hitler alone. It was empowered to demand information from, and to give orders to, other agencies of the government. Actions taken by the Gestapo were beyond normal judicial or administrative control. That is, there was no legal check upon its activities except by Hitler. The Gestapo worked in close cooperation with the Elite Guard, a Nazi Party armed force. The Elite Guard executed the orders of the Gestapo, operated concentration camps, and policed conquered territories.

The Reichstag.—It has been mentioned that legislative power passed from the Reichstag to the Cabinet in 1933. After that date the Reichstag was an assembly of party appointees which rarely met. When meetings were held, no discussion was expected or permitted. The Reichstag listened to the declarations of the Leader and unanimously ratified by acclamation any measures which he might care to present to it. Usually the Reichstag was called into session to hear a speech by Hitler and was then dismissed. According to National Socialist principles, the Reichstag was not supposed to create any law or make a decision as an expression of the will of the people. This will was divined or created by the Leader, and at best the Reichstag could merely register popular agreement with it. The Reichstag had eight hundred and thirteen members, most of whom held other lucrative offices in the party and the government. In spite of the inactivity of the body, its members received a monthly stipend.

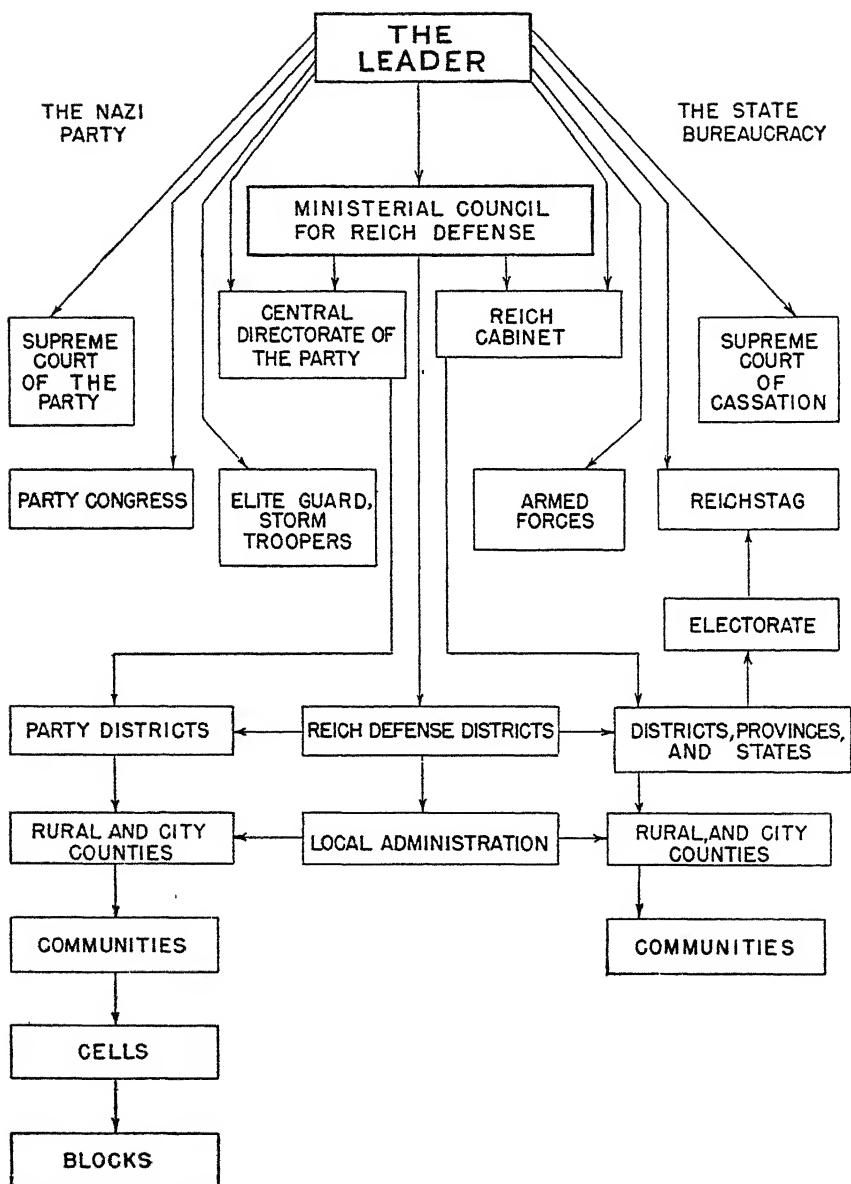
Electoral Procedure and Suffrage.—Despite its rubber-stamp character, the Reichstag was dissolved by Hitler and re-elected four times between 1933 and 1939. In the elections one Reichstag seat was allotted for each 60,000 voters. As Germany acquired new territories, Hitler provided for their representation in the Reichstag by the appointment of party members.

In addition to participation in elections to the Reichstag, voters were sometimes asked to express approval of the national policies of the regime through plebiscites. At an election or plebiscite, universal, secret, and direct suffrage has nominally been in force but has actually been nonexistent. Voters had to be citizens of Germany, of German or related blood. Non-Aryans were excluded from the franchise. Absence from the polls was considered opposition to the regime and was dealt with accordingly. Hence, participation approached one hundred per cent.

For both elections and plebiscites, occasions were chosen, such as the annexation of Austria in 1938, when national feeling would cause the acquiescence of even those who dissented from the party line. Careful wording of the questions presented was also conducive to the desired results. The National Socialist Party had a monopoly of the selection of candidates proposed for election, since the ballot itself failed to afford opportunity to dissent from the regime. When all these methods failed to produce the desired support, the Nazis resorted to breaches of the secrecy of the polls, coercion, and falsification of the returns. That the favorable votes should, under these circumstances, have reached 99.57 per cent in the 1938 elections is less surprising than the statistical evidence of any dissent.

Civil Service.—Since its founding by King Frederick William I of Prussia in the early eighteenth century, the civil service has been emphasized

GOVERNMENT OF THE THIRD REICH



as one of the main pillars of the state. First developed in Prussia, the service was later extended to the German Empire and the Weimar Republic. As in France, the German bureaucracy was a stabilizing factor from regime to regime. It has often been accused of excessive devotion to involved administrative procedures and to exaggerated rank and title. On the other hand, few bureaucracies have more to their credit in the way of honest, efficient service and administrative reform.

Under the National Socialist Party the bureaucracy grew in size, and at the same time the Nazis penetrated its ranks in increasing numbers. While many exceptions remained, especially in the higher ranks of the bureaucracy, it is clear that the Nazis achieved a far-reaching control of the civil service, either by Nazification of the personnel or through direct or indirect pressures. The centralization of local government under the Nazis and the need for detailed supervision of public and private activities contributed to the enormous increase in the number of government officials.

Finding its authority in broad Nazi decrees, the civil service made and enforced virtually all administrative rules and regulations. In addition, it operated all the governmental services, including the schools, railroads, post offices, police, fire departments, and water and power supply services. It was divided into three broad groups: the lower service, consisting of officials without broad education, but each skilled in the routine tasks connected with his position; the middle service, demanding somewhat higher educational qualifications; and the higher civil service, made up of administrators on the professional level. Under the rules, entrance into the lower division was achieved by means of competitive examinations wherein the candidate had to demonstrate his suitability for a desired position. He also had to be able to give acceptable evidence of good character. Candidates for entry into the middle service were given more comprehensive tests. Those who hoped to enter the higher civil service were required to have completed a rigorous course of juridical and administrative training in one of several institutions of higher learning. These courses were not aimed at the requirements for specific civil service positions, but rather were designed to meet the extensive needs of one who later might occupy a position of great responsibility. Following his course of instruction, the candidate who had passed a special examination had to serve an apprenticeship of about three years. He was then subjected to comprehensive examinations to determine his fitness for permanent tenure. His general efficiency reports were also reviewed. If accepted, he started at a level commensurate with his demonstrated ability and was promoted to higher and more responsible positions on the basis of seniority and performance.

Courts and the Law.—One of the methods through which the Third Reich attained its political ends was the destruction of the rule of law and the weakening of the processes of jurisprudence. The Leader was the supreme source of law and the highest judge. Whatever he willed was law, binding on courts and judges alike. Law was no longer an objective concept of justice and impartiality but became subject to the "folkish ordering of life." Such perversion of the principles of justice made impossible any true independence of the judiciary. Hitler had the power to remove judges from office at will and used it repeatedly. In 1933 a decree provided that all judges who had adhered to parties other than the National Socialist Party should be removed from office. Although execution of the decree was not complete, all key positions in the judiciary were given to Nazis, and enthusiastic party members were given all vacancies, including the places of the judges who were retired. The few judges who were not removed and who did not adhere to National Socialism were obliged to keep in line with Nazi policy. After the promulgation of the law of 1935, under which the German courts were reorganized and centralized, all judicial officials were appointed and controlled by the Ministry of Justice.

There was a traditional division of the court system into District Courts (*Amtsgerichte*), Regional Courts (*Landgerichte*), Superior Regional Courts (*Oberlandesgerichte*), and a Supreme Court of Cassation (*Reichsgericht*). These courts handled civil and criminal cases. The administrative courts, intended to give individuals redress against faulty acts of public officials, became less important than formerly, inasmuch as people feared to bring complaints against acts of Nazi officials which might be interpreted as complaints against the regime itself.

The dreaded People's Courts (*Volksgerichtshof*) were summary tribunals which were permanently established in 1936 to deal with "treasonable" attacks on the regime. Both professional judges and party members sat on the bench. The People's Courts were characterized by severity of punishments, secrecy of proceedings, and failure to allow the accused the rights of an impartial judicial process. Professional groups in Germany were placed under the jurisdiction of special Honor Courts, which tried individuals for the violation of professional ethics.

Nearly all the serious complaints submitted during the Nazi period in respect to the administration of justice in civil cases involved political problems. Juridical procedure was revolutionized in such a way as to deny even rudimentary justice. Punishments were made severe and revengeful. Persons defined by the Nazi law as "professional criminals" were placed in concentration camps, and many were sterilized. Political offenders and

even suspects were placed in permanent "protective custody." Judges were empowered to punish individuals for any act which they deemed in conflict with "the healthy sentiment of the people," even though no statute might apply to such an act.

Civil Rights.—The foregoing discussion clearly indicates the abolition of civil rights by the Third Reich. The Law for the Protection of the People and the State (February 28, 1933) suspended them, in fact; they were never restored by the Hitler government. Individual liberties were not permitted. The press, radio, and stage were strictly controlled, and all mediums of public expression had to operate under the control of the Ministry of Propaganda and Public Enlightenment. Equality before the law applied only to persons defined as "Aryans," and even among them, only to those who were not suspected of opposition to the regime. The interference of the state in religious activities was frequent. The only effective rights which German citizens possessed were the right to be considered for public office and the right to vote as directed in elections and plebiscites.

LOCAL GOVERNMENT

Centralization in Local Government.—For more than a decade, German local government has been in a transitional stage. When the Nazis first came into power they concentrated on gaining control of the central government and allowed local government to function largely along the lines of the historic divisions and organizations which had formerly existed. However, they did take steps to eliminate political differences within the various states by appointing Reich Regents who, as agents of the central government, promoted political unity and conformity with the Reich. In 1934 and subsequently, as stated above, the Nazis centralized local administration by abolishing the old federal states and the National Council in which they were represented. The Third Reich thus became a unitary governing structure; yet the historic boundaries of the former federal states were still used for some administrative purposes. Efforts toward the reorganization and centralization of local government continued to the end of the Nazi regime.

Towns, Villages, and Rural Counties.—Community (town and village) government was made uniform by the Law on Municipal Order (1935). The executive of each community was a mayor (*Bürgermeister*). In making decisions, the mayor was required to consult the local party boss. Moreover, the mayor was advised by a council which varied in size with the population of the community. Villages, towns, and small cities were grouped together into rural counties (*Landkreise*), which were governed by

a national official, called the County Chief. It appears probable that these local governing arrangements will provide a basis for the postwar reconstruction of German government.

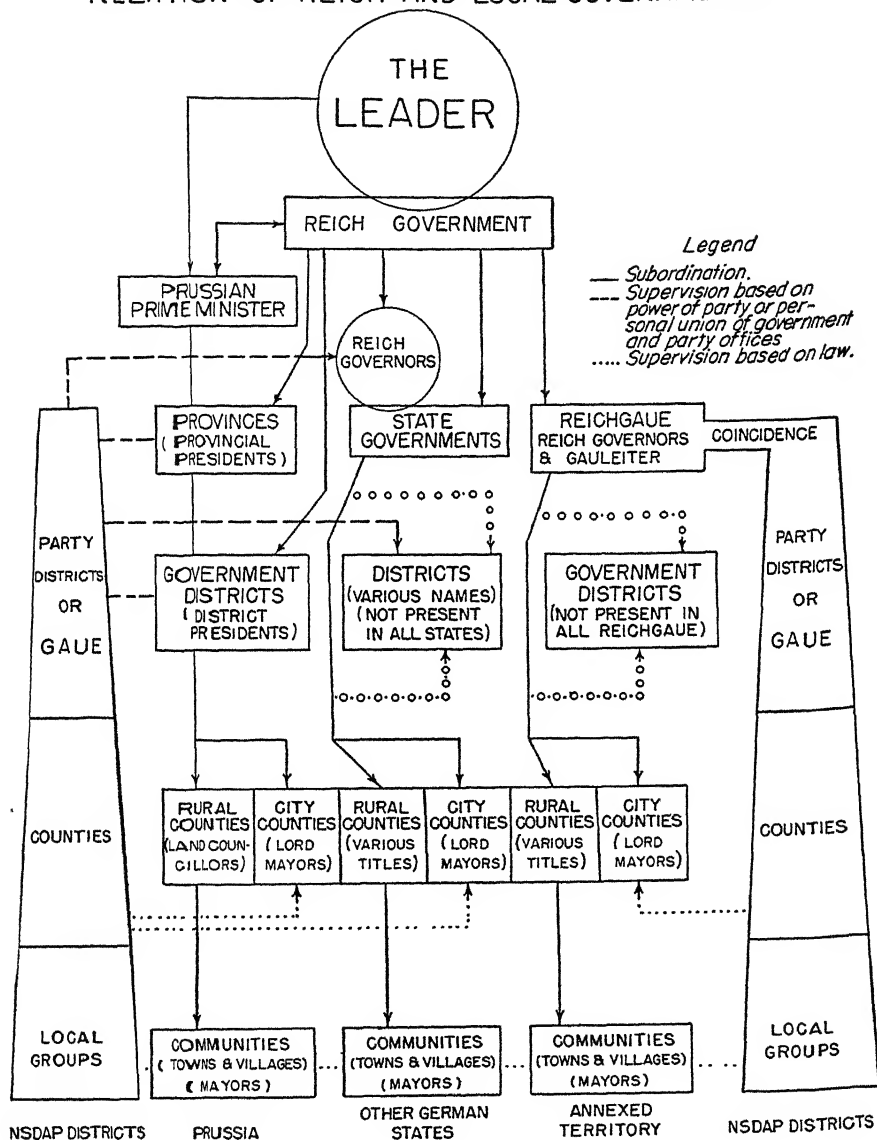
Cities and City Counties.—Larger cities formed city counties (*Stadtkreise*), distinct from rural counties. They were governed by a lord mayor, a mayor, city councillors, and city senators. The lord mayor was appointed by the Reich Minister of the Interior, and the mayor by the governors of the states (on the recommendation of the Nazi Party leader for the county). Hamburg and Bremen, which have never forgotten their history as Hanseatic cities, enjoyed a particular system known as "free city" government. Berlin, as the capital city, had a special and elaborate charter. Today, Berlin is under the joint control of the four nations occupying Germany, and Bremen is an American occupational enclave.

Districts, Provinces, and States.—Above the level of the rural and city counties less uniformity existed in the subdivisions of local government because historic boundaries were retained along with new government district boundaries. In the former territory of Prussia, the historic provinces of East Prussia, West Prussia, Pomerania, Brandenburg, Lower Silesia, Upper Silesia, Prussian Saxony, Schleswig-Holstein, Hanover, Hessen-Nassau, Westphalia, and the Prussian Rhineland remained in existence. They were the units through which newer and smaller government administrative districts were administered. Nevertheless, under the Nazis, the government administrative districts received all police orders and certain other orders directly from the Reich government. The former Prussian state government was merged with that of the Reich. Adolf Hitler, as Reich Governor in Prussia, delegated to Hermann Goering, as Prussian Prime Minister, the exercise of what little authority was left to the former powerful Prussian state. The non-Prussian German state governments were not wholly merged with that of the Reich. Reich governors, the chief executives of these states, were appointed and removed by the *Reichsführer*.

Party Districts and Reich Districts.—The administrative system of the Reich resembled a pyramid, with its apex in the Reich government and descending through successive strata of provinces or states, government administrative districts, and rural or city counties, to the base in the communities. The structure of the Nazi Party was similar. Subdivisions of a few persons, called blocks and cells, constituted the real base of the Nazi pyramid. The party's local groups coincided with the communities. On the level of the rural and city counties, an ever-increasing similarity between governmental and party boundaries was secured.

In the next stratum differences appeared. Of the regional units of the

RELATION OF REICH AND LOCAL GOVERNMENTS



Nazi Party, called districts (*Gaue*), some included only one or more of the small government administrative districts, while others coincided with the former states or the Prussian provinces. In the Nazi effort to complete the coordination of Reich and party organizations many alterations and adjustments were made. Such a coordination was apparently intended to place even more government authority in the hands of local party leaders.

When Austria, the Sudetenland, and a part of Poland were annexed to the Reich, a new local government unit, the Reich district (*Reichsgau*), was established in them. There the party district and government boundaries and functions corresponded exactly. The party district leaders (*Gau-leiter*) were the Reich governors of the new subdivisions, and party and state officials were identical in the counties and communities. This is apparently the type of local governmental organization which the Nazis meant eventually to institute throughout greater Germany.

THE NATIONAL SOCIALIST PARTY (NSDAP)

Membership.—The National Socialist German Workers' Party, or Nazi Party, was an organization which cannot be properly compared with any party in a system of free democratic government. According to Nazi commentators, it was a "people's movement," which, after fifteen years of struggle within the party system of the Weimar Republic, obtained undisputed control of the German nation. Membership in the Nazi Party was a definite privilege from both the social and the economic standpoints. About two million persons had joined the party prior to January, 1933, when Hitler became Chancellor. After 1933, approximately four million more were granted the "privilege" of joining the party. Members of the "old guard" of Nazis in the annexed areas, such as Austria, Sudetenland, and Danzig, were admitted to membership, along with two additional groups: first, members of nationalist and monarchistic organizations, such as the veterans' Steel Helmet organization (*Stahlhelm*), who could be depended upon to give vigorous support to the Nazi regime; second, persons or professional groups of influence and power, provided they had been nationalists or politically inactive or "unobjectionable" prior to 1933. Thus, the Nazi Party of Greater Germany comprised a group of some six million persons, superimposed as an elite class upon the German people.

In addition to the active members, the party counted on more than two million "collaborators," most of whom were in Germany. A large proportion of them were candidates for party membership. It is noteworthy that even subordinate officials in party organizations were not necessarily members of the party but might have been mere collaborators.

Legal Position of the Party.—The laws which gave Adolf Hitler the power to suspend the Weimar Constitution and to rule by decree placed in the hands of the Nazi Party full political power. In July, 1933, a "Law Prohibiting the Formation of Political Parties" declared that the Nazi Party was the only legal political organization in the nation. It provided penalties to be imposed upon anyone who attempted to form another political party.

The High Command of the Party.—Adolf Hitler, as Leader of the party, had complete authority over it.¹ Subject to that fact, leadership was in the hands of the Central Directorate of the Party, whose members were called Reich leaders (*Reichsleiter*). This relatively small group of sixteen leaders formed a party cabinet which corresponded to the Cabinet of the Third Reich government. Many of the party leaders held important government posts. The Leader of the Party Chancellery was the executive officer for party affairs.

The Party Congress.—Every year in September a gigantic party rally, called the Party Congress, was held in the city of Nuremberg. It served both as a party convention and as a state occasion, particularly as Hitler's sounding board for important speeches.

Territorial Party Structure.—Territorially the party organization corresponded approximately to the subdivisions of local government, as already indicated. Greater Germany was divided into more than forty party districts (*Gaue*) which were subdivided in turn into 820 county districts (*Kreise*), 25,000 community party groups (*Ortsgruppe*), 100,000 local cells, and 500,000 blocks. Each cell included four or five blocks of forty to sixty families each. The district leaders (*Gauleiter*) were appointed directly by Hitler. Ordinarily they were his personal friends and confidants and often headed the state bureaucracy in their districts. After 1942 they were Reich Defense Commissioners, responsible only to the Ministerial Council for Defense of the Reich and to Hitler. The county leaders were appointed by Hitler at the suggestion of the district chiefs. The latter, in turn, chose the community leaders on the nomination of the county chiefs. Each block was under the control of a block-warden who was supposed to be acquainted with the political, economic, and private life of every resident of his area—whether a party member or not.

In the district, county, and community groups of the party, no effort was spared by the Nazis to invent ingenious means of interlocking state bureaucracy and Nazi hierarchy. The district leaders were usually prominent government officials. On the local level, the Nazi leaders did not have

¹ Reports from neutral countries in late 1944 and early 1945 suggested that the exercise of power in the government and the party had been taken from Adolf Hitler by a group of Nazi leaders, especially by Heinrich Himmler. Such reports are open to question.

powers as great as those of the local authorities, yet care was taken to interconnect the local Nazi Party with the city, county, and town authorities. Furthermore, the heads of the local governments were ordinarily members of the Nazi Party and as such were subject to the jurisdiction of the local party boss.

Functional Party Structure.—In addition to its territorial organizations, the Nazi Party had a number of nation-wide organizations to perform certain specific functions. These were divided into two groups of organizations: formations and affiliated associations. The principal formations were the Storm Troopers (SA), the Elite Guards (SS), the National Socialist Motor Corps, the Hitler Youth, the National Socialist Students' Association, the National Socialist Lecturers' Association, and the National Socialist Women's Organization. The affiliated associations embraced organizations of physicians, lawyers, technicians, teachers, professors, public officials, and, most important of all, the thirty-five million members of the German Labor Front, Nazi successor to the trade unions. Through these organizations the National Socialist Party exercised a double or triple control over each party member and each German. Some organizations contained only members of the Nazi Party, but most were open to nonmembers, thus creating between the people in general and the "elite" party members an intermediate privileged class of persons associated with organizations of the party. Certain organizations, though controlled by the party, had to be joined by every German, for example, those following specified professions or trades.

The Storm Troopers (SA).—The Storm Troopers (*Sturmabteilungen* or SA) were a semimilitary organization formed in 1921 by the group which later became the core of the National Socialist Party. Judged from results, its initial function was the waging of political guerilla warfare within the Weimar Republic. Originally pretending to protect National Socialists from attacks (SA meaning *Schutzabteilungen*, i.e., protective corps), the SA soon became openly described as "Storm Troopers." These armed, brown-shirted SA units marched through the streets, attacked rival groups, and thronged to their own meetings.

When the Nazis came to power the SA organization hoped to merge itself with, and possibly to dominate, the regular army. However, in 1934, the bloody elimination of some of its most important members in Hitler's "party purge" led to the downfall of the SA as an organization of military importance. The Storm Troopers finally became a group of older and somewhat discouraged party members, used by the party leadership for tasks of minor importance. Largely made up of the human scum which rose to the surface in Germany's hard years after World War I, the SA was

an ideal instrument for mob violence against Jews and Communists during Hitler's drive for power. He was shrewd enough to sense that its destructive utility rendered its personnel generally unfit for the constructive tasks of organizing and operating the political and economic machinery which he planned to establish.

The Elite Guards (SS).—The Elite Guards or Shock Troops, (*Schutzstaffeln*), unlike the SA, achieved an extraordinary importance. Just as the membership of the Nazi Party was supposed to constitute an elite of the German people, so the SS personnel were regarded by National Socialists as the elite of the party, the master members of the master race. The SS was at first a small band of armed men who devoted their lives to the personal safety of the Leader in the days of the struggle for power, but by 1934 it had developed into a formidable military organization, able to execute the will of the Leader in counteracting ambitious moves of the SA as well as of army generals. From 1934 to 1939, the SS grew in importance as shock troops for maintaining public order; its leaders also became more influential in shaping and formulating new ideas and policies. In 1939 it had three hundred thousand members. Because it sought to maintain quality rather than quantity, the SS never became a serious competitor of the large regular army (*Reichswehr*) and thus avoided the mistakes which caused the SA's downfall. Instead, it endeavored to secure a leading position in Germany by requiring high standards of efficiency and by obtaining for its leaders key positions in political and economic life. The leader of the SS, Heinrich Himmler, was a prominent Nazi who held the key positions of German Minister of the Interior and Chief of the German Police, including the Gestapo.

After 1939, the power and size of the SS greatly increased. More and more of the most important positions in private, economic, and political life went to high-ranking SS officers. On the other hand, many German leaders in all fields found it advisable to accept appointment as honorary SS leaders. Thus, an "elite" of German leaders was assembled in the upper brackets of the SS.

Because of the great material and political advantages of being a member of the SS, this organization was able to set the most rigorous standards for its members. They were all volunteers with high physical qualifications. In the course of World War II, the SS was divided into the General SS (*Allegmeine*) and the Military SS (*Waffen*). Divisions and corps of the Military SS fought as military formations of the German Army in North Africa, Italy, the Balkans, and Russia, achieving on the whole an excellent combat record. Hitler's first desire was to send the Military SS units into

battle in order to give them a "baptism of fire," and then to withdraw them before casualties mounted. However, in order to maintain their prestige, he was in time compelled to retain them in war service on all fronts. Apparently they received the best equipment which the German armies possessed. Their organizations, such as the Hermann Goering Division, were named for Nazi leaders.

Units of the General SS were used to police the conquered territories. For this duty they worked in close cooperation with the Gestapo. These units of the General SS were organized as highly mobile forces capable of maintaining order wherever necessary. Their attitude and actions, as well as their preferred status, provoked no little hostility on the part of the regular troops.

The Party and the Army.—A significant step in the Nazification of the German Army was taken late in 1944, when a decree ordered all German officers who were members of the Nazi Party to "educate their men in the Nazi philosophy," both on duty and off, and "to form a closer link between the armed force and the party." Previously, members of the German Army had been required to leave the party during their period of armed service. This decree was probably a part of the Nazi campaign to adapt the German Army to the Nazi pattern of fanatical resistance in order to create a political army that would not give in when militarily defeated.

Hitler Youth.—The youth organizations were devoted to the task of imbuing the youth of the nation with the proper Nazi spirit. They were subdivided into various groups, comprising practically all boys and girls between the ages of six and eighteen. In fact, children were really conscripted into these organizations, known collectively as the Hitler Youth. Membership finally reached a total of more than eight million. The Hitler Youth movement excluded all rival organizations and rival indoctrination. As a result, it tended to eliminate the influence of the churches among German young people and to decrease greatly the authority of the school and the family. The success attained in achieving such ends is responsible for one of the gravest postwar problems facing the United Nations.

Party Discipline.—The National Socialist Party possessed within its membership many rival leaders and groups. The most noticeable rivalries were those which arose among the leaders. As has been pointed out, Hitler once purged the leadership by having oppositionists shot. Other means of maintaining party discipline were available. The Gestapo kept party leaders under surveillance. Party leaders were often retired or they simply disappeared. A Supreme Court of the Party was maintained for trying offenses

against National Socialism committed by party officials. It operated swiftly and secretly, and was responsible only to the Leader.

ARMED FORCES

High Command.—Adolf Hitler became Supreme Commander of the Armed Forces on the death of Marshal von Hindenburg in 1934. Under Hitler the Chief of the Armed Forces High Command had a seat in the Cabinet and was fully responsible for the preparation of national defense in time of peace and the conduct of operations in war. The three subordinate high commands of the Army, Navy, and Air Force were responsible for the organization, training, and equipment of their respective branches. In the later stages of the war, the Army General Staff actually controlled operations on the Eastern Front, while the authority of the Armed Forces High Command was restricted to the other fronts.

Army.—Under the Nazi regime the German army grew from the 100,000 man army permitted under the Treaty of Versailles to a strength of approximately 800,000 men in 1939—organized as six army groups, nineteen corps, thirty-nine infantry divisions, three mountain divisions, four light mechanized divisions, and five armored divisions. Wartime mobilization brought it to a peak strength of over 7,000,000 men and over 300 combat divisions in 1943. For military administration, training, and replacement purposes Germany was divided into fifteen corps areas before the war. To this number four more were added from Polish and Czechoslovakian territory during the first three years of World War II.

All physically fit German men were required in peacetime to perform two years of military service, usually starting at the age of twenty and preceded by six months of labor service. During the war the usual age of induction was progressively lowered, first to eighteen and then to seventeen in 1942, and finally to sixteen in 1944. In the latter year every able-bodied German boy and man from sixteen to sixty was being called up for the National Militia (*Volkssturm*), which could even recruit women and girls. Some units of this militia did take part in the final operations on both the Western and Eastern Fronts but were ineffective as fighting units and unable to postpone the final downfall. In the last stages of the war over one million foreigners were serving under compulsion in the German Army.

In addition to the Army proper, the German ground forces included over twenty divisions of the Military SS (Elite Guards), as well as a number of field divisions and parachute units belonging administratively to the Air Force. In its supply and security functions, the Army was aided by many hundreds of thousands of men belonging to various auxiliary organizations

such as the German Labor Service, the Nazi Party Motor Transport Corps, and the Todt Organization. The latter was especially active in building highways and fortifications.

The German General Staff Corps was highly developed as a select group of officers who were given a three-year course in military science at the War Academy in Berlin. They occupied all important staff as well as command positions throughout the German Army and were primarily responsible for its traditional efficiency.

Navy.—The program of naval construction which Germany started in 1935 did not produce a large high seas fleet but did complete a number of powerful and effective vessels. After the outbreak of war emphasis was laid on construction of submarines, particularly of the smaller types, and of speedboats and other small craft for operations close to the European coasts. The German Navy was also responsible for coast and harbor defense and included many batteries of coast artillery on the shores of the North and Baltic Seas. Under the terms of the surrender all naval vessels and submarines were handed over to the Allies. No organized scuttling of vessels, as in 1918, occurred.

Air Force.—Under the leadership of Reich Marshal Hermann Goering, the German Air Force was built up with speed and efficiency between 1935 and 1940. It developed some of the most efficient types of bombers, fighters, and close-support aircraft of modern times. By the outbreak of the war it had an estimated three thousand first-line aircraft. The Air Force was also responsible for the bulk of German anti-aircraft artillery, especially for home defense.

Dissolution of the German Armed Forces.—On May 1, 1945, Hitler was succeeded as head of the German government and commander of the nation's armed forces by Grand Admiral Carl Doenitz. On the next day the capitulation of Germany began with the unconditional surrender of armies in Italy. By May 7 the final surrender of all the German armed forces was effected by authority of the Doenitz government in the Act of Military Surrender signed first at Rheims and on the following day at Berlin. The combat forces involved in the surrender totalled roughly two hundred and fifty divisions. Many of these, however, were down to a minor fraction of their authorized strength.

Under the terms of surrender the German armed forces were at first disarmed and then progressively disbanded. With the Allied occupation of Germany, they have ceased to exist; no provision has been made for any eventual re-establishment of even minimum formations.

FOREIGN POLICY

1933–1937.—It has been pointed out that in their climb to power the National Socialist leaders proclaimed their determination to repudiate the Versailles Treaty and to prevent its further application to Germany. When France at the Geneva Disarmament Conference in 1933 refused to agree to the German demand for repudiation of the treaty restrictions upon her armies and for parity with France in arms, Hitler withdrew from the Conference and took Germany out of the League of Nations. Germany also ceased to make any further reparations payments, even though the Lausanne Conference of 1932 had scaled total German reparations down to only seven hundred million dollars. The Hoover Moratorium of 1931 was the signal for the cessation of such payments.

In power politics Hitler pursued the strategy of limited objectives. Recognizing his inability to cope with a coalition of Britain, France, Italy, and Russia, he labored to divide them while unifying his own nation under his leadership. The illustrations which are given in this section of the text will indicate the success of his political strategy. To soothe Poland's fears, he negotiated a ten-year pact in 1934 guaranteeing the existing Polish-German frontiers. When National Socialist agitators in Vienna were unsuccessful in a 1934 *putsch* against the Austrian government, Hitler disavowed them, even though he had openly encouraged their efforts. He was moved to his disavowal by Italy's attitude. The Italian government of Mussolini threatened war if Germany should move to annex Austria in violation of the Versailles Treaty. In this stand Italy was supported by France and Czechoslovakia.

The Nazi failure to annex Austria in 1934 was offset somewhat in the next year by the overwhelming vote of the people of the Saar Basin to have their district reincorporated into Germany. The League of Nations conducted the Saar plebiscite under the provisions of the Versailles Treaty and returned the territory to Germany after tallying the vote.

In March, 1935, Hitler proclaimed Germany's repudiation of all treaty limitations on her armed forces and his own determination to reestablish universal compulsory military service. He announced plans for an army of one-half million men and an air force equal to that of the French. In alarm, Mussolini met the premiers of France and Great Britain at Stresa the next month; they declared that they would act together to prevent any such unilateral treaty repudiation which might endanger the peace of Europe. France then hastened to make a defensive treaty of alliance with Russia. However, Great Britain was willing, two months after the Stresa Confer-

ence, to make a treaty with Germany in which she agreed to German repudiation of the naval clauses of the Versailles Treaty in return for the pledge that the strength of the German Navy would not exceed thirty-five per cent of the British.

In late 1935 and 1936, when Italy was conquering Ethiopia and being provoked by League of Nations sanctions, Hitler won Italian friendship by giving her economic aid. The result of this rapprochement between Italy and Germany was the creation of an open alliance between the two nations in October, 1936, known as the Rome-Berlin Axis. Earlier, in March, 1936, Hitler re fortified the Rhineland, declaring that this was Germany's sovereign right; at the same time he stated that Germany had no territorial claims to make on Europe. He was successful in this violation of the Versailles Treaty because Britain and France failed to join in opposition to the Rhineland re fortification. When civil war broke out in Spain in the same year, the Axis nations "recognized the legality" of the regime of the insurgent General Francisco Franco and sent him military aid. France and England were persuaded not to intervene. Almost simultaneously, in November, 1936, Germany concluded an Anti-Comintern Pact with Japan, which Italy signed a year later. Thus by 1937 a new balance of power had been established in which Germany was allied with Italy and Japan against England, France, and Russia.

1938-1939.—In 1938 Nazi Germany began its program of territorial expansion. Italy had abandoned Austria to Germany, and France and England were unable or unwilling to oppose the forcible incorporation of Austria into the Third Reich in March, 1938 (*Anschluss*). Soon after, the Nazis created a crisis over the Sudeten German minority in Czechoslovakia. Although in April, 1938, France and Britain agreed to protect Czechoslovakia, Prime Minister Neville Chamberlain and Premier Edouard Daladier "appeased" Hitler by granting him the border territories of Czechoslovakia at the Munich Conference in September, 1938. Hitler declared that his claims upon Czechoslovakia represented his last territorial demands in Europe; Chamberlain stated his belief that he had preserved Europe's peace by his policy of appeasing Hitler. Yet a few months later, in March, 1939, Hitler seized the remainder of Czechoslovakia (Bohemia-Moravia and Slovakia) and demanded the surrender of Memel by Lithuania. At that point, Hitler openly and significantly abandoned racial theory (Pan-Germanism) as a justification for Germany's territorial expansion, substituting that of living space (*Lebensraum*). In effect, notice was given the world that dominance of the European continent was henceforth Germany's objective. In May, Hitler signed a military alliance with Italy and

moved on to demand Poland's agreement to Germany's annexation of the free city of Danzig and a part of the Polish Corridor.

World War II.—When the Munich Conference failed to consult Russian interests, the Soviet Union was alienated from her ally France and from Great Britain. Hitler was successful in capitalizing on this breach by signing a nonaggression pact with the Soviet Union on August 23, 1939.² Assured of Soviet neutrality, Germany invaded Poland nine days later, September 1. France and Great Britain promptly declared war on Germany in keeping with their guarantees to protect Polish independence.

For a time Germany waged the war which she had precipitated, without the aid of her allies. However, as the scale and intensity of the war increased, she was joined by Italy and other satellites. Soviet Russia joined in the operation of Poland's dismemberment. Italy came into the war on June 10, 1940, during the German attack on France, in fulfillment of the Italo-German military alliance. In November, 1940, Germany, Italy, and Japan signed a ten-year military alliance at Berlin, called the Tripartite Pact. Later Hungary, Rumania, and Bulgaria signed the same agreement. Japan entered the war against Great Britain and the United States on December 7, 1941, and Germany and Italy promptly declared war on the United States.

In the meantime Germany had overrun a wide area in Europe. She had conquered Poland, Denmark, Norway, Luxemburg, the Netherlands, Belgium, France, Yugoslavia, and Greece, and, by force or alliance, she had established control over Hungary, Rumania, Bulgaria, and Finland. Having invaded the territory of her erstwhile ally, Russia, on June 22, 1941, Germany came into temporary possession of a vast area of Russian territory including the former Baltic nations, Estonia, Latvia, and Lithuania.

Despite the loss of her ally, France, the British nation continued the war against Germany in 1940. After the Soviet-German clash of 1941 and the Japanese attack on Hawaii in the same year, a coalition of United Nations was formed by Great Britain, the United States, the Soviet Union, China, and many smaller nations. Their announced objective was the destruction of the military power of the Axis. However, it was not until after disastrous defeats had been inflicted on Axis forces at Stalingrad, El Alamein, and in the Pacific, that offensive strategy could be substituted for one of defense.

Allied Invasion of Europe.—The landing of United Nations forces on the Normandy coast on June 6, 1944, together with an invasion of southern

² Military considerations of the first order played an important, possibly a decisive, part in Soviet Russia's action. Moscow was well informed of the deficiencies in the French and British preparations for war; no less so of Germany's readiness for a major offensive.

France, in August, marked the beginning of the liberation of France. By the early part of 1945, German armies had been compelled to evacuate practically all of France. They had also withdrawn from most of Belgium, Luxemburg, and the southern part of the Netherlands and were engaged in a desperate attempt to defend the soil of Germany itself from the assaults of American, British, Canadian, and French troops, from the North Sea to the Swiss border. Nor were the Germans faring much better on their eastern frontier, which was being threatened by the Russians. The latter were driving against remnants of German forces which were isolated along the Baltic Sea, advancing into East Prussia, overrunning Poland, and fighting in the streets of Budapest. Farther south, they had liberated Belgrade and were engaged in intercepting the German troops retreating from Greece and southern Yugoslavia. And in the Russian winter offensive of January, 1945, the first ten days brought about the complete collapse of Germany's forward position.

To add to the difficulties of the Nazis, they faced trouble within Germany itself. Harassed by incessant British and American air attacks day and night and alarmed at the enemies pressing against the borders from all directions, many Germans realized that there was no further hope for victory. An abortive attempt by Army officers to assassinate Hitler in July, 1944, failed. As a result of these manifestations of popular discontent with the Nazi regime, it tightened its hold on the country more than ever.

Meanwhile Germany's European allies were deserting her cause. Italy surrendered to British and American forces on September 3, 1943. On August 23, 1944, Rumania accepted the armistice terms of the United Nations, and she was closely followed by the similar action of Bulgaria, Finland, and Hungary. All of these nations reversed their positions to the extent of declaring war on their former Axis partner.

German Government of Occupied Europe.—The territories which Germany annexed to the Reich after 1938 included Austria, Sudetenland, Memel, Danzig, German Poland, Eupen, Malmédy, Moresnet, Alsace-Lorraine, Luxemburg, and Northern Slovenia. These areas constituted a part of what was known as Greater Germany. Bohemia-Moravia in Czechoslovakia was organized into a German protectorate under a German civil administration, and the remainder of the country was organized into an "independent" state of Slovakia. The part of Poland which was not incorporated into the Reich was under a special authority called a "government-general," with a German civil administration. In a number of occupied nations, the Germans established Nazi governments called National

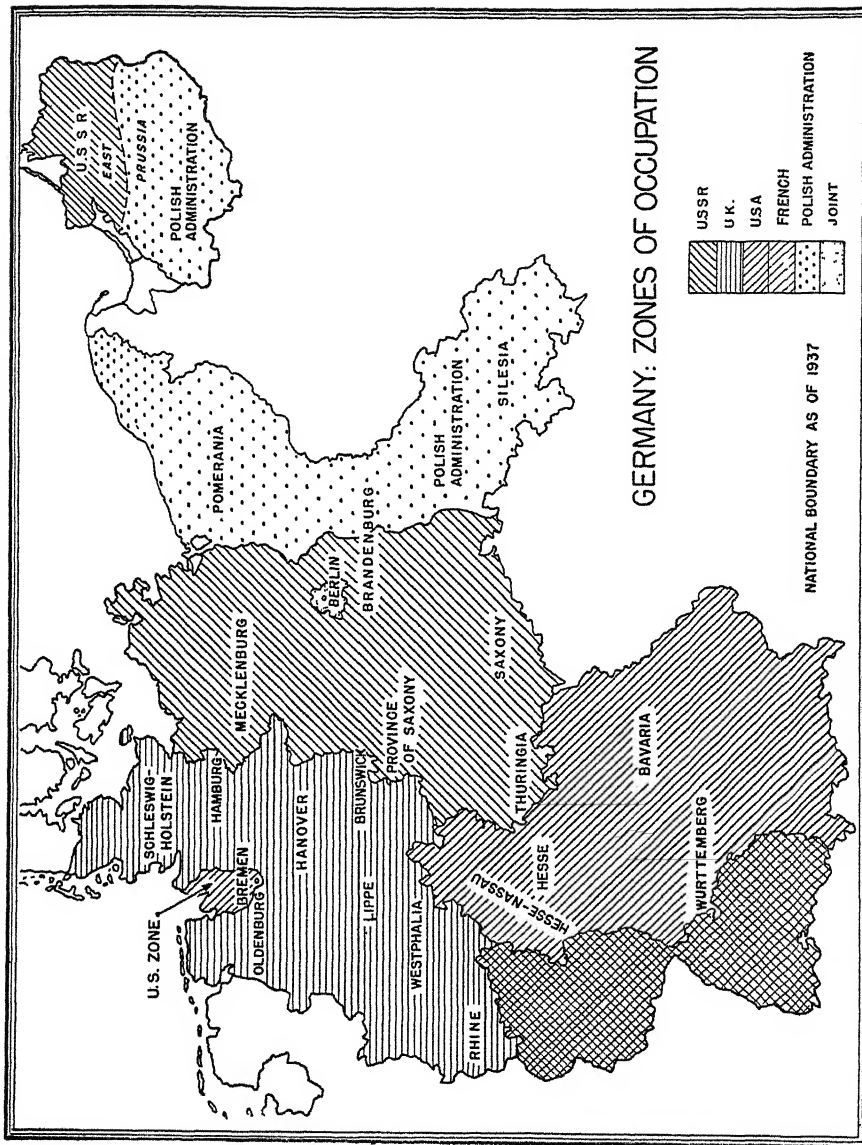
Commissions (*Reichskommissariats*) in which Hitler appointed a National Commissioner (*Reichskommissar*) to head civil administration. This sort of government, in cooperation with German armies of occupation, was established in Norway, the Baltic nations, and the Netherlands. In Denmark a native government was permitted to function within limitations. The puppet Italian Social Republic in northern Italy was under the thumb of the German Army, as were the puppet governments of the German-created states of Slovakia, Serbia, and Croatia.

The steps by which these occupied territories were progressively integrated into the German political system were in part the result of war-time necessities as interpreted by Berlin. In greater part they reflected Germany's general objective, the creation of her "New Order" on the European continent. Thus, the purpose to amalgamate the Teutonic racial elements of Europe into a unified whole is clearly shown in the relatively tolerant measures of control pursued—at least at the outset—in Denmark and the Low Countries. On the other hand, the policy of ruthless extermination practiced in Poland and the conquered areas of Russia was intended to serve the double purpose of checkmating the future dangers anticipated from a high Slavic birth rate, and of creating a territorial vacuum into which would flow the surplus of the Teutonic peoples.

ALLIED OCCUPATION OF GERMANY

Military Defeat and Surrender.—The first half of the year 1945 saw the complete downfall of Germany and the collapse of the German government. In January and February, the Russians pushed forward in their great winter offensive. In March, English and American armies crossed the Rhine. In April, Vienna fell and the American and Russian armies which were pouring across Germany met at the Elbe River. In May, Berlin fell and most of the countries conquered by the Germans saw their invaders surrender to the United Nations. On May 7–8, all German armed forces were surrendered unconditionally, first by actual surrender to General Eisenhower at Rheims, and later by formal written instrument, in Berlin. In the meanwhile, the death of Hitler had been announced, and the central government of Germany had practically disappeared.

Zones of Allied Occupation.—Military occupation of Germany was established by the United States, the United Kingdom, the Soviet Union, and the Provisional Government of the French Republic soon after the surrender. At the same time Germany was compelled to revert to its national boundaries of 1937. By joint agreement each nation administers a separate zone of territory, and each zone is under the control of the



commanding officer of the armed forces occupying it. Occupation and administration of the various zones are as follows: the Soviet Union—eastern; Britain—northwestern; the United States—southwestern; and France—the western zone. Certain territorial exceptions were made to this general division of areas. A portion of the Soviet zone, including Eastern Pomerania and Silesia, was assigned to Poland for administrative purposes. The northern part of East Prussia, including the territory around Königsberg, has been incorporated into the Soviet Union. The seaport of Bremen and its vicinity were established as a separate enclave under American control for the purpose of providing seaport facilities to the American authorities. Most important of all, the city of Berlin became an area of joint occupation by the four powers. An inter-Allied governing authority, consisting of four commandants, appointed by their respective commanders-in-chief, has been established there for the joint administration of the city.

Allied Control Council.—The four Allied governments concluded a series of agreements within a month after the German surrender establishing an Allied Control Council to exercise authority in all matters affecting Germany as a whole. The Control Council was reaffirmed in its powers by the chief executives of the United States, Great Britain, and the Soviet Union, the so-called "Big Three," at their Potsdam meeting in July, 1945. With respect to the government of Germany as a whole, the official report of the Potsdam Conference declared: "For the time being no central German Government shall be established. . . . Certain essential central German administrative departments, headed by state secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade, and industry. Such departments will act under the direction of the Allied Control Council." On August 30, 1945, the Control Council formally announced from its Berlin headquarters its assumption of supreme authority in Germany.

The four Allied Commanders-in-Chief constitute the Control Council. Each of these is assisted by a deputy commander and a political adviser. The Council can take no action until a unanimous decision on any question under discussion has been reached. This requirement proved so serious a stumbling-block to the settlement of vital issues that grave doubts arose as to the possibility of carrying on with the earlier plans made by the Allied Nations for the reorganization of Germany.³ The chairman-

³ A White House press release of November 15, 1945, based on a report of Byron Price, special investigator for President Truman, reported the four-power control of Germany "deadlocked on account of the French" who "decline to cooperate in any move to establish a central government in Germany."

Final Act Of German Military Surrender, May 8, 1945

1. We the undersigned, acting by authority of the German High Command, hereby surrender unconditionally to the Supreme Commander, Allied Expeditionary Force and simultaneously to the Supreme High Command of the Red Army all forces on land, at sea, and in the air who are at this date under German control.

2. The German High Command will at once issue orders to all German military, naval and air authorities and to all forces under German control to cease active operations at 2301 hours Central European time on 8th May 1945, to remain in the positions occupied at that time and to disarm completely, handing over their weapons and equipment to the local allied commanders or officers designated by Representatives of the Allied Supreme Commands. No ship, vessel, or aircraft is to be scuttled, or any damage done to their hull, machinery or equipment, and also to machines of all kinds, armament, apparatus, and all the technical means of prosecution of war in general.

3. The German High Command will at once issue to the appropriate commanders, and ensure the carrying out of any further orders issued by the Supreme Commander, Allied Expeditionary Force and by the Supreme High Command of the Red Army.

4. This act of military surrender is without prejudice to, and will be superseded by any general instrument of surrender imposed by, or on behalf of the United Nations and applicable to GERMANY and the German armed forces as a whole.

5. In the event of the German High Command or any of the forces under their control failing to act in accordance with this Act of Surrender, the Supreme Commander, Allied Expeditionary Force and the Supreme High Command of the Red Army will take such punitive or other action as they deem appropriate.

6. This Act is drawn up in the English, Russian and German languages. The English and Russian are the only authentic texts.

Signed at Berlin on the 8. day of May, 1945

FRIEDEBURG

KEITEL

STUMPF

On behalf of the German High Command

IN THE PRESENCE OF:

*On behalf of the Supreme Commander
Allied Expeditionary Force*

A. W. TEDDER

*On behalf of the Supreme High
Command of the Red Army*

G. ZHUKOV

At the signing also were present as witnesses:

F. DE LATTRE-TASSIGNY

*General Commanding in Chief
First French Army*

CARL SPAATZ

*General, Commanding
United States Stra-
tegic Air Forces*

ship of the Control Council rotates among its four members on a monthly basis. Each member assumes primary secretarial responsibility in the subordinate organs of the Council during the period of his chairmanship.

Subordinate to the Allied Control Council is a Permanent Coordinating Committee, composed of one representative of each of the four Commanders-in-Chief, and a Control Staff of subordinate officials. The Control Staff is subdivided into Directorates of specialists which are organized to handle problems of the following types: military, naval, air, transport, political, economic, finance, reparation, restitution, internal affairs, communications, legal, prisoners of war, displaced persons, and manpower. Each of these Directorates, as well as the Control Staff and the Permanent Coordinating Committee, includes civilian and military personnel. Also each of these institutions has four heads, one designated by each occupying power. In their constructive advisory capacity the flow of proposals moves from the Directorates to the Control Staff and then to the Coordinating Committee and the Control Council. In implementation of the final decisions made by the latter body, the process is reversed and the Control Staff and its Directorates carry out the Council's decisions. They transmit the decisions to the appropriate German organs and supervise and direct their day-to-day activities.

Practical experience with this kind of decentralized, cooperative organization showed in the first few months of its operation the desirability of creating central German administrative departments in several inter-related fields of national activity. By November, 1945, the four powers had established such departments in Berlin for the regulation of finance, transport, communications, foreign trade, and industry on a nation-wide basis. It is possible that other departments will be established as soon as agreements can be negotiated. Such action clearly represents a pragmatic departure from the decentralization principle of the Potsdam agreement, substituting for the theory and blue-print of that instrument the results of practical, first-hand experience.

Most of the important tasks of government in Germany today are in the hands of the Commanders-in-Chief of the various zones, who carry them out in their separate ways. In this category fall such important functions as the denazification of Germany, police, public health, public information, political activity, local government, war criminals, education, religious affairs, repatriation of displaced persons, agriculture, labor problems, price fixing, and a host of other matters. In the zonal conduct of affairs the Commanders-in-Chief are guided only by the general principles of the Potsdam agreement and by instructions from their own governments. The

political principles agreed to at Potsdam include the following: (1) that so far as is possible there shall be uniform treatment of the German population throughout Germany; (2) that Germany shall be completely disarmed and demilitarized; (3) that all militaristic organizations shall be abolished; (4) that the German people shall be compelled to understand and to accept responsibility for their defeat; (5) that the Nazi Party and all of its affiliates shall be destroyed; (6) that preparation for the reconstruction of German political life on a democratic basis shall be made; (7) that all Nazi racial laws shall be abolished; (8) that Nazi war criminals shall be punished; (9) that all Nazis shall be removed from public office; (10) that Nazi influence shall be eliminated from educational institutions; (11) that the German judicial system shall be reorganized on the basis of democratic principles of justice; (12) that the reconstruction of responsible German political institutions shall be undertaken; (13) that the democratic organization of political parties shall be encouraged; and (14) that full civil liberties shall be restored to the German people in keeping with the needs of military security. Both within the separate zones and on a nation-wide basis slow progress was made toward the realization of these principles.

THE GOVERNMENT OF THE U.S.S.R.

HISTORICAL BACKGROUND OF THE SOVIET UNION

The Tradition of Autocratic Government.—Although its leaders may sometimes seem unaware of the fact, the roots of many actions and institutions of the Soviet Union may be sought and found in events and developments far back in the Russian past. If one were called upon to name a single dominant factor in Russian history for the last ten centuries, it would be the theory and practice of the unlimited power of the ruler. The Russian Tsars were autocrats, absolute in a sense not known in any other European country. The lives and property of their subjects were completely at their disposal. Not until 1906 was there a national representative assembly to limit the authority of the Tsars.

The vast Russian plain was designed by nature to become the basis of a single, unified state which inherited a tradition of despotism. This early Russian state looked to the Byzantine Empire as its model. At Constantinople the Byzantine Emperor had ruled as an absolute despot of the Oriental type even though he traced the political inheritance of his state to the ancient Roman Republic. The Tartars conquered Russia in the thirteenth century, and their particular brand of Asiatic autocracy naturally had its effect upon later Russian rulers. Domination of Russia by these Tartars isolated the country from the West. In consequence the gulf between Russia and European civilization was broadened. In this connection, it must be kept in mind that though Peter the Great strove with undeniable energy to lift Russia out of barbarism and to bring her up to Western Europe's level of culture and civilization, the means he used to promote his purposes were in many cases cruel and oppressive. Peter was quick to understand and appreciate many Western advances and administrative methods. He was no less energetic in seeking to adapt them to the needs of Russia. Yet he made no attempt to introduce the theory and practice of individual liberty and private initiative which were

adding much to the scientific and technological progress of such countries as England and Holland in his day. On the contrary, Peter's reign left Russian autocracy stronger than ever.

The Backwardness of Russia.—It was not until the nineteenth century that Russia became fully alive to the attitudes, achievements, and realities of Western civilization. Not until then did Russia give the world some of its great names in literature, in music, and in other fields of achievement, and only at this late date did the intellectual fathers of the modern Russian Revolution begin to speak and work against autocracy. Russia's persistent backwardness in a day when the political and economic evolution of Western Europe was marked by rapid and sweeping changes profoundly affected her subsequent history. Psychologically it created an inferiority complex among Russians, aptly expressed by their oft-heard evaluation of themselves: "We are a dark people." No dynamic people could be expected to accept such a role indefinitely. Autocratic repression, as Soviet leaders have pointed out, merely added to the explosive forces operating below the surface, ensuring a period of violent revolution before Russia could begin the task of overcoming the cultural lag which distinguished her institutions from those of her contemporaries.

The Early Revolutionaries.—The gigantic political and social upheaval which Russia experienced in 1917 was neither sudden nor accidental. In the nineteenth century many individuals and small groups devoted to the idea of overthrowing the autocracy came to the front, the most important of these being followers of Karl Marx's social philosophy. These revolutionaries were prepared to fight against what seemed at the time hopeless odds, to face prison, exile, and death. But in spite of their efforts, they were seldom able to establish contact with, and to gain support from, the illiterate masses whose liberation was their avowed objective. Their importance lies not in the meager results which they attained by assassinations of government officials and even a Tsar or by the stimulation of minor uprisings, but in their influence upon the development of a professional revolutionary movement. Although they were small in number, probably never exceeding a few tens of thousands before 1917, this determined, fanatical minority proved to be strong, in a country where most of the people were illiterate and where the existing institutional system rested on authority, tradition, and inertia rather than on any popular enthusiasm.

The first conscious revolutionary act in Russian history was not Marxian in origin. It was the abortive conspiracy of a group of liberal army officers who, in December, 1825, attempted to seize the government in the name of

Prince Constantine. Service in the campaigns against Napoleon had taken them into Western Europe, where their contact with its superior civilization left a profound impression. Their attempt to seize the government for Prince Constantine was just another palace revolution, even though its objective was a liberal constitution for the Russian people. The new Tsar, Nicholas I, gave orders to open artillery fire on the rebellious troops and resistance collapsed immediately.

Two developments toward the end of the century presaged the revolution to come. There was first a great increase in the industrial working population resulting from the flow of foreign funds into the country at an accelerated rate after the conclusion of the Franco-Russian understanding of 1891. To this group of followers Marx's materialistic philosophy had a strong appeal. The second factor was a tendency under the last Tsars to compel non-Russian people to accept the Russian language, Russian culture, and Russian government. This attempt to Russianize non-Russian parts of the Empire made revolutionaries of many Jews, Poles, Finns, and Caucasians.

In 1898 the disciples of Marx organized in the city of Minsk the Russian Social Democratic Party and issued a resolution to the effect that the Russian proletariat should cast off the yoke of autocracy in order to defeat capitalism. The delegates were promptly arrested, but the party remained active. A major split developed among the Social Democrats a few years later. One group, called Bolsheviks, under the leadership of Nikolai Lenin, stood for centralized party discipline and bold revolutionary action. The other group, the Mensheviks, took a less strict view of party discipline and maintained that Russia was unready for socialism. They preferred to achieve their ends by parliamentary development rather than through direct forceful action. When revolution did come, it was the well-organized, determined Bolsheviks who seized control of these new radical forces and directed them to their own ends.

In 1905, following Russia's defeat in the Russo-Japanese War, revolution swept through Russia, largely under the leadership of the Mensheviks. The most spectacular incident of this revolt was a workers' demonstration in St. Petersburg in which the mob was fired upon by troops guarding the imperial palace. The immediate result was a series of general strikes, demonstrations, riots, and mutinies which compelled the Tsar to proclaim a Constitution and to establish a parliamentary body, known as the Duma. Although Lenin called this outbreak a dress rehearsal for revolution, its immediate visible effects were a few concessions made by the regime, more liberal in appearance than in fact.

March Revolution of 1917.—When Russia entered World War I, the prospects of success for the revolutionaries seemed small. Many radical leaders were arrested and others were caught up in a wave of patriotism. However, both Lenin and Leon Trotsky denounced the war as a final product of the capitalist system and worked for the overthrow of the government.

What finally undermined the Russian government, however, was not the revolutionary activity of the radicals but the unsuccessful course of the war. As the early mood of enthusiasm evaporated with lengthening casualty lists, as Russian industry bogged down, as suspicion of pro-German influence at the royal court was magnified, and as a dissolute monk, Rasputin, created court scandal, the autocracy was undermined. The government was not overthrown—it collapsed. In March of 1917 a provisional government was established, dominated by a majority of liberals and moderates. With this change, however, the socialists gained increasing influence. They organized councils of workers, called soviets,¹ all over the country—in the factories, in the rural districts, and in the army. As the provisional government found itself confronted by problems which it could not solve, the more radical elements capitalized upon its embarrassments.

November Revolution of 1917.—Under these circumstances Nikolai Lenin organized a program for the overthrow of the provisional government and the establishment of a republic of soviets. The Bolsheviks were swimming with the popular tide. They urged workers to take over the factories, peasants to seize the land, and soldiers to stop fighting. They did not temporize. On November 7, 1917, the Petrograd Soviet and the sailors from Kronstadt led an active revolt. Very little opposition was encountered. An All-Russian Soviet Congress with a Bolshevik majority met the same day, and after a little fighting their forces took over the government. In the Civil War which followed, the government was reshaped along the lines suggested by Marxian principles. By 1923 a federated government, known as the Union of Soviet Socialist Republics, was fully established.

MARXIAN SOCIALISM

Theoretical Basis of the Soviet Government.—The Soviet Union is welded into a unified nation principally because the masses accept a common ideology. They accept as the basic philosophy of society the socialistic outline of the political and economic processes initially advocated by Karl Marx (1818–1883) and subsequently interpreted by the well-known socialist

¹ A soviet in Russia is a governing council, consisting of workmen, soldiers, or peasants. It may be a local or state-wide organization.

scholars, Friedrich Engels (1820–1895) and Nikolai Lenin (1870–1924), and which is now being modified by Joseph Stalin to meet the practical needs of modern Soviet statecraft. This Marxian Socialism or Communism is to be distinguished from gradualist socialism in that it advocated the creation by violence, if necessary, of a socialist society in which the state power will gradually “wither away” as the dictatorship of the proletariat succeeds in liquidating the last bourgeois elements. Socialism in the non-Marxian sense takes many forms but basically stands for the seizure and collective ownership of all of the means of production by the state through constitutional means.

Historical Economic Determinism and Class Struggle.—The background of Marxian theory is the economic interpretation of history which teaches that the political, social, religious, and other institutions of any given historical era are determined by economic forces, that is, by the method of producing goods. Starting with this fundamental proposition Marx reached the conclusion that the history of the human race must be told in terms of the struggle between classes for economic control. He found that in essence capitalism was a struggle between the capitalist and the worker, or, as he said, the exploiter and the exploited. He pointed out that the emergence of early modern capitalism had brought into existence the middle class, which had struggled with the nobility until it dominated society. The era of industrial capitalism, however, had brought into being the proletariat or urban worker, another new class which in turn waged war against the capitalist middle class. To Marx this latest war of the exploited against the exploiter was the final phase of capitalist history. The very nature of this struggle foredoomed capitalism to extinction. Control of the means of production would, according to Marx, inevitably be gathered into fewer and fewer hands; the rich would become richer, while the poor would become poorer. This situation would become increasingly intolerable until eventually the workers would rise in revolt and overcome their masters. The workers’ revolution would then lead mankind through a transitional dictatorship of the revolutionary proletarians to a Communist commonwealth of the future.

A Classless Society.—According to Marxian theory, the aim of this proletarian or workers’ revolution would be the creation of a classless society. The first step after the revolution, therefore, would be the socialization of the means of production, that is, the abolition of private property controlled by a dominating class. Since under capitalism the national state exists to maintain classes and protect class interests in private property, it would no longer be necessary and would “wither away.” During the transition from

the national state to the classless, world-wide Communist society, it would be necessary to have a temporary dictatorship of the proletariat. During the period of transition only the means of production would be socialized, and other small private properties could be retained by their owners, since their private possession exploited no one. The state would cease to function as the instrument for the protection of private property. The withering away of the state would in due time occur through the abolition of the state's agencies. First, the standing army would be abolished and replaced by the armed people, a popular militia. Second, the bureaucracy would go, followed by other state institutions. Lenin, who attempted to create a Communist government and society in Russia, refused to commit himself as to the length of time it would take for the state to "wither away." He merely stated that it was a natural and gradual process. With the destruction of capitalism social evils would disappear. Even human nature would be changed under the impact of the new environment which, if its protagonists could be believed, would eventually produce a true Communistic order of society in which each member would produce according to his abilities and receive goods according to his needs.

International Revolution against National States.—Marxian theory clearly denounces the national state, which it regards as the instrument created in the class struggle by the exploiters for the purpose of keeping the exploited in subjection. Even democracies, according to Marx, merely modify the method by which the ruling class exploits the masses. Although history is working for the triumph of the workers over the state which is the instrument of their exploitation, and for the substitution of a classless society for a social order in which the state maintains class distinctions, this process can be accelerated by the revolutionary activity of a well-organized and disciplined party. To this the followers of Lenin added the use of violence in overthrowing the state, which they employed with such conspicuous success in the November Revolution of 1917.

Briefly, Marxian theory challenges the institutions of the national state and of private property; it insists on a classless society; it opposes organized religion. It is primarily a doctrine of revolution against the economic and social arrangements of most of the world today, and, as such, it advocates world revolution.

COMMUNISM IN THE SOVIET UNION

From Lenin to Stalin.—Marxian theory was the basis of the Bolshevik Revolution and the establishment of the Soviet Union, but that philosophy has been subject to constant revision in practice within the Soviet Union,

first by Lenin and later by his successor as leader of the dictatorship of the proletariat, Joseph Stalin. Following 1921 Lenin found it expedient to revise his militant Communist economics and to make concessions in a phase of development known as the New Economic Policy (NEP). Under this revised program peasants were permitted to retain some of their produce. Private trade within Russia was again legalized, and the government professed its willingness to grant concessions to foreign business interests. The idea of the political "dictatorship of the proletariat" was not abandoned, however, and the Soviet government retained operation and ownership of the large industries, railways, mines, banks, and foreign trade.

In the struggle for power which followed Lenin's death in 1924, Stalin, who advocated an emphasis upon national economic development rather than upon international revolutionary conflict, vanquished his immediate opponent, Leon Trotsky, and forced him into exile. Trotsky believed that world revolution was necessary as well as inevitable and that Communism could not be achieved in the Soviet Union alone. Stalin, on the other hand, believed that the proper strategy was to develop Communism initially within the Soviet Union through the collectivization and industrialization of its economy. He reasoned that the achievement of Communism in Russia would provide a model for other countries and that in any event capitalism was destroying itself everywhere.

With Stalin controlling Soviet policies, many collectivists have felt that he has been leading the Soviet Union away from, rather than toward, Communism. The masses, they claim, have merely exchanged masters. In this view, Stalin and his followers, instead of the Tsarists, now exploit the people. Others further malign the character of the present regime, declaring that it is coercive and thus is opposed to the Marxian ideal.

Justification of a Strong National State.—Stalin has ready answers for them all. He insists that, of necessity, consistent with Marxian theory, there must be a period of transition in the process of changing from capitalism to Communism, and that this transitory period is one of state socialism. He reasons that Marx could not possibly have foreseen that the Soviet Union would be encircled by capitalistic regimes, since Marx expected a world revolution of the workers. Accordingly, until capitalism is finally replaced throughout the world, or until Marxian Socialist regimes are established in at least the leading capitalist countries, he declares that the Soviet Union must maintain a strong state apparatus, including army, navy, and police, to protect it from its foreign enemies. Furthermore, if the state is to own and operate the means of production, it must dominate

not only the political but also the social and economic institutions. Thus, the state's duties and its bureaucracy are greatly augmented rather than diminished. Especially during the past decade, with mounting evidence that Germany and Japan threatened the security of the Soviet Union, has it seemed essential to maintain a powerful state. For these reasons, Stalin has for the present discarded the idea of the withering away of the state. In short, he has relegated to the distant future the attainment of final objectives.

Economic Distinctions.—Not only have the Marxian ideas of world revolution and a stateless society been set aside by the Soviet regime of Joseph Stalin, but some of the principles of Communism in its final stage have been revised as well. Marx and Lenin asserted that every worker was to be on a basis of social equality with every other, that each was to receive according to his need. This doctrine was widely interpreted to foreshadow a relatively uniform level of incomes for all classes of workers, with perhaps some favoring of men with high technical skills. Steps taken in that direction so seriously affected Soviet production, both in quality and quantity, that the government was compelled to institute an extreme form of piecework production in order to prevent economic collapse. Today there are in the Soviet Union variations in income to a degree similar to those in other countries. The factory manager receives more than the skilled worker. He is paid a salary decreed to be in keeping with the work he does and not according to his need alone.

Individual Property Interests.—The Stalinist regime permits another variation from the Marxian theory that all private property should ultimately disappear. Two general types of property are recognized in the Soviet Union: first, socialized property, subclassified as state property and collectivist property. State property includes all natural resources and the means and implements for their production and distribution. Workers on state projects thus become employees of the state. Collectivist property is owned collectively by communities and other groups. It includes collective farms and consumer and producer cooperatives. Workers on such property are its joint owners. Since the workers share in the returns of collectivist projects, they are regarded as self-employed. ✓

The second general type of property in the Soviet Union is described as personal property, likewise of two kinds. It includes small individual enterprises, such as stores and workshops, so long as their operation entails no exploitation of the labor of other individuals. In addition it comprises limited private property, such as savings, personal belongings, dwelling houses, and articles used in domestic production.

Hence, every citizen of the Soviet Union may own books, furniture, clothing, and have a savings account and even an automobile for his own personal use if his ability and earning capacity warrant it. Furthermore, he may invest his savings in interest-bearing government bonds, the return from which is exempt from both income and inheritance taxes. What may seem more surprising in view of Communist ideas of property is that the present Constitution guarantees to an individual the right to inherit the personal property of his immediate family.

Historical Nationalism.—The Marxian interpretation of history could admit no contribution to progress in Russian history by Tsarist leaders and institutions, but Stalinism has abandoned this view. For strong Tsars, like Peter the Great and Ivan the Terrible, there is now discriminating praise, not indiscriminate abuse. Soviet official opinion now endorses every war that contributed to the building up of the Russian state, although Lenin denounced Tsaristic wars as being waged on behalf of capitalistic exploitation and imperialism. National patriotism, which Marx and Lenin rejected, has been exalted by the Soviets in the last decade. Stalin in the Soviet Union today has discarded at least temporarily the early doctrine of world revolution as found in Marxian theory and glorifies the ideal of Soviet national patriotism. In the recent war with Germany and Japan, his appeals to the Russian people have been put in terms of straight old-fashioned patriotism. This is a logical outgrowth of Stalin's belief in the possibility of building up Communism in one country.

Revolutionary Moderation.—Since Lenin's day the Bolshevik revolutionary movement, under Stalin, has entered a moderate phase. In so doing, the movement has modified the Marxian theoretical conception in which it was rooted, in order to meet and solve practical problems as they have arisen. No revolution is perpetual; there must always be stabilization and the stabilization usually blends the old with the new. Some Marxists lament many of Stalin's recent policies as a betrayal of the original ideals of the revolution. However, Stalinists insist that they are Marxists who are keeping faith with Marxian theory. At the same time modifications have taken place, and observers who have looked upon Communist Russia with deep apprehension have come to welcome the trend to conservatism which has developed in recent years.

SOVIET CONSTITUTION

Early Constitutions.—The present Constitution of the Union of Soviet Socialist Republics has had two predecessors. The first, that of 1918, was the fundamental law of what was called the Russian Socialist Federated

Soviet Republic (RSFSR), which gave a legal form to the government established after the November Revolution of 1917. The most challenging features established a proletarian dictatorship, abolished all rights capable of being used to the detriment of the revolution, destroyed private ownership of land, disestablished the Orthodox Church, secularized education, and placed every phase of economic life under the control of the state. It organized a federated government composed of units created along ethnographic and national lines but centralized with respect to vital governmental functions. The representative elements consisted of councils of workers, called soviets.

✓ In 1922 the name of the state was changed to the Union of Soviet Socialist Republics (USSR), the word "Russian" being deleted in order to appeal to non-Russian elements of the federation. The Union had four republics of which the Russian Socialist Federated Soviet Republic (RSFSR) was one. As other republics were organized, they were brought under increasingly centralized control.

• The Constitution of 1924 was the fundamental law for the new federated organization of the U.S.S.R. The administrative structure under this constitution was a pyramidal system of soviets, the territorial jurisdiction of which ranged from the village to the federation. On the lowest levels were the village soviets, and above them those of the districts (*raioni*), the areas (*okrugi*), the regions (*oblasti*), the territories (*kraia*), and the constituent republics (*SSR*). The dominant institution of the Soviet Union, at the apex of this organization, was the All-Union Congress of the Soviets.

These first two constitutions did not establish a separation of legislative, executive, and judicial powers. All state powers were concentrated in the hands of the All-Union Congress of the Soviets and the agencies which it appointed. Of course, the essential fact was that state affairs were directed by officials who were under the control of the Communist Party, which was not even mentioned in the first two constitutions.

The Constitution of 1936.—Numerous changes in both the theory and the practice of the Soviet Union took place under Stalin's leadership in the dozen years following 1924. A Five Year Plan (1928–1932) of economic and social reconstruction was carried out and two later ones were launched. Agriculture was collectivized, industry subjected to social ownership and control and expanded; the government was stabilized, domestic peace enforced. The Soviet leaders desired to have the basic law keep step with these changes; they desired a revised constitution to be, not so much a blue print of a future state as a recording and consolidation of the practical results which had been achieved. Since the government was under the au

Basic Rights And Obligations Of Citizens Of The U.S.S.R. As Stated In The Constitution Of 1936

Article 118. Citizens of the U.S.S.R. have the right to work, that is the right to receive guaranteed work with payment for their work in accordance with its quantity and quality.

The right to work is ensured by the socialist organization of national economy, the steady growth of the productive forces of Soviet society, the absence of economic crises, and the abolition of unemployment.

Article 119. Citizens of the U.S.S.R. have the right to rest.

The right to rest is ensured by the reduction of the working day to seven hours for the overwhelming majority of the workers, establishment of annual vacations with pay for workers and employees, and provisions for a wide network of sanatoria, rest-homes and clubs for the accommodation of the toilers.

Article 121. Citizens of the U.S.S.R. have the right to education.

This right is ensured by universal compulsory elementary education free of charge, including higher education, by the system of state stipends for the overwhelming majority of students in higher schools, instruction in schools in the native language, and organization of free industrial, technical and agronomic education for the toilers at the factories, state farms, machine-tractor stations and collective farms.

Article 122. Women in the U.S.S.R. are accorded equal rights with men in all fields of economic, state, cultural, social and political life.

The possibility of realizing these rights of women is ensured by affording women equally with men the right to work, payment for work, rest, social insurance and education, state protection of the interests of mother and child, granting pregnancy leave with pay, and the provision for a wide network of maternity homes, nurseries and kindergartens.

Article 123. The equality of the rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all fields of economic, state, cultural, social and political life, is an irrevocable law.

Any direct or indirect restriction of these rights, or conversely, the establishment of direct or indirect privileges for citizens on account of the race or nationality to which they belong, as well as any propagation of racial or national exceptionalism or hatred and contempt, is punishable by law.

Article 124. To ensure to citizens freedom of conscience the church in the U.S.S.R. is separated from the state and the school from the church. Freedom to perform religious rites and freedom of anti-religious propaganda is recognized for all citizens.

Article 125. In accordance with the interests of the toilers and for the purpose of strengthening the socialist system, the citizens of the U.S.S.R. are guaranteed:

- (a) Freedom of speech;
- (b) Freedom of the press;
- (c) Freedom of assembly and meetings;
- (d) Freedom of street processions and demonstrations.

These rights of the citizens are ensured by placing at the disposal of the toilers and their organizations printing presses, supplies of paper, public buildings, streets, means of communication and other material conditions necessary for their realization.

thority of Joseph Stalin, the new constitution may be considered his handiwork.

A constitutional commission of thirty-one members, with Stalin as chairman, wrote the Constitution in secret session. It was presented to the All-Union Congress and widely published for the purpose of public discussion. The various soviets recommended 154,000 amendments, some of which were discussed in the All-Union Congress. Finally this body made forty-three minor changes in the phraseology of the original draft, and the Constitution of 1936 was approved. It can be amended by a two-thirds vote of both houses of the Supreme Soviet, which is the national legislative body.

The principles of the Constitution of 1936 form an interesting theoretical background for the present Communist dictatorship. Politically the Soviet Union is an organization of soviets of workers and deputies. The proletariat of the town and the country possess all political power through their representation in the soviets. Economically the Union is organized along socialist lines. Capitalism is abolished through the socialist ownership of the means of production and the prohibition against "exploitation of man by man." "Socialist property" is defined and the recognition of limited private property is given, as was previously explained. Sanction is given to the determination of the economic life of the nation through a state plan of national economy, calculated to increase the public wealth, to improve the living standards of the people, and to strengthen the capacity of the state for defending its independence. Work is made a matter of duty and honor for every able-bodied citizen, in keeping with the principle that "he who does not work shall not eat." Finally, the Constitution sanctions a variable system of wage payment permitting due recognition of such factors as skill, quality, and quantity of performance.

Constitutional Rights and Duties.—The Soviet Constitution's guarantee of basic rights of the citizen is theoretically broad, although in practice many of its provisions have never been made effective. The citizen has a legal right to work, to leisure, and to material security. These rights are put into effect by the socialist organization of the national economy by provisions for a limited working day, and by social security insurance. The right to an education is guaranteed; on the elementary level it is compulsory. All citizens are constitutionally equal irrespective of their sex, race, or nationality. There is provision for freedom of conscience, separation of church and state, and freedom both of religious worship and of antireligious propaganda. Recently the opening of theological seminaries has been permitted. The Soviet citizens are granted freedom of speech,

press, and assembly; and, according to the Constitution, they are permitted to organize street demonstrations. Actually this has never been true. Freedom to express opposition to government policy, which is an essential of democratic government, has never been allowed by Soviet leaders. In the interest of the regime the government controls all newspapers, printing establishments, and all means of communication. The Constitution grants the right of asylum to foreign citizens. In the main this has been restricted in practice to escaped revolutionaries. Citizens have the right to organize trade unions, cooperative associations, youth organizations, cultural, technical, and scientific societies. According to the Constitution, the inviolability of the person and the home of the citizen is protected by the establishment of freedom from arrest except upon order of the judicial authorities. Strict adherence to this right of citizenship has not obtained under the Soviet government at any time.

In addition to these rights the Constitution lists the following as duties of the citizen: the observance of the law, the maintenance of labor discipline, the honest performance of public obligations, the safeguarding of socialist public property, and military service.

Soviet Law.—The codes of Tsarist law were repudiated by the revolutionaries of 1917, who substituted for them "action of the masses," that is to say, the actions of revolutionary committees who purportedly spoke for the masses. In time much Communist legislation was formulated, often hastily. From time to time statutes, decrees, and administrative rulings have been gathered into codes, which, however, as the stream of legislation rolls on and high policy fluctuates, have become in many ways obsolete almost as soon as they were drawn. The Soviet codes of law have by force of these circumstances stood perpetually in need of revision. The codes which were based upon the Constitution of 1936 were published and promulgated in 1943 and 1944.

THE FEDERAL STRUCTURE OF THE U.S.S.R.

The Division of Power.—Under the Constitution of 1936 the Soviet Union is a federal state formed by the union of sixteen constituent socialist republics (SSR). The powers of the federal government are so broad that centralization of authority in the U.S.S.R. is as complete as in any nation in the world. In point of fact, the system is not in any real sense federal.

In the constitutional division of power, the Union government has the following powers: to conduct foreign relations in collaboration with the constituent republics, including the power to make war and peace; to ad-

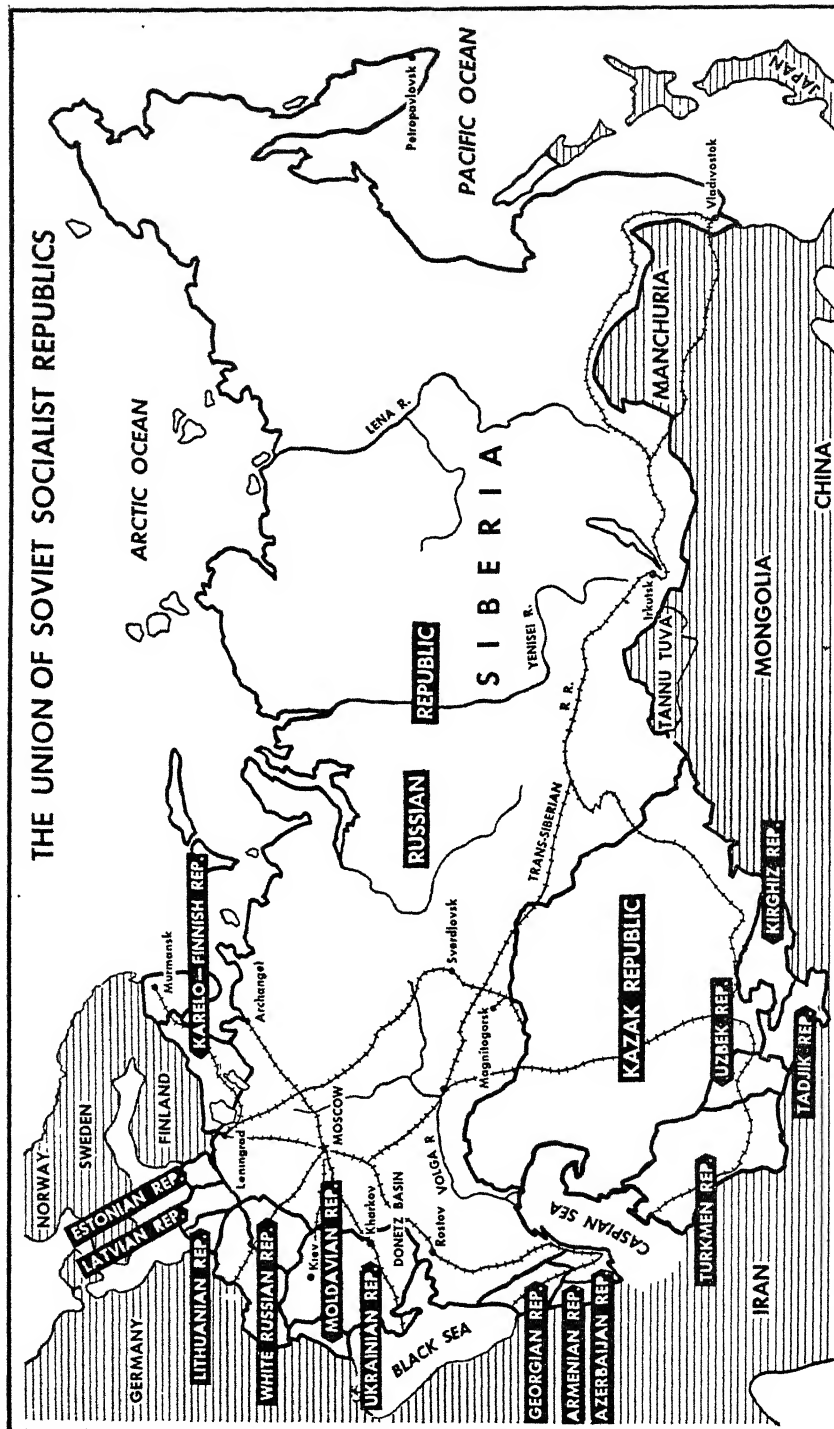
mit new republics into the Union; to enforce the Union Constitution and to insure conformity with it of the constitutions of the constituent republics; to confirm changes of boundaries between the constituent republics and the formation of new territories, provinces, and autonomous republics within the constituent republics; to control the army, except as modified by the power granted to the constituent republics in 1944 to maintain their own armies, navy, and police; to administer the monopoly of foreign trade; to establish the economic plan of the Union; to apportion taxes and revenues among the federal, republican, and local budgets; to administer banks, industries, agricultural and commercial enterprises of Union significance; to administer transportation and communication; to control money, credit, and insurance; to issue state loans; to determine the use of land and natural resources; to formulate educational and public health plans; to determine the principles of labor legislation; to organize the judiciary; to prepare civil and criminal codes; to determine the rights of citizens and the position of foreigners; and to exercise the right of pardon. It is obvious that these powers are broad. In effect they give the Union government power to control every important aspect of the country's life and unlimited opportunity to interfere with local organs of government.

Only outside the limits of these broad powers do the constituent republics possess the ability to function independently. In the administration of education, health, and local economy they experience relatively little interference from the central government. They may freely use and encourage the development of local languages. In local cultural activities, such as art or music, they may exercise considerable autonomy.

In 1944 the Soviet Constitution was revised so as to allow the constituent republics control over foreign relations and power to maintain their own armies. Following this the republics have participated in limited international diplomatic activities and have organized armed forces. This is especially true of the Ukrainian Republic. Actual control of such activities, however, remains in the central government.

The Constitution of 1936 gives each republic the theoretical right of secession from the Soviet Union. Such a right has little practical value because efforts in this direction have invariably been considered as treasonable and counterrevolutionary. Since the Union government controls the effective military forces, the economic planning, and the heavy industries of the federation, it seems likely to dominate the individual republics indirectly as well as directly.

Predominant Position of the R.S.F.S.R.—Although the constituent republics of the Union enjoy the same legal status, the Russian Socialist Fed-



erated Soviet Republic (RSFSR) is so large and so populous that it completely overshadows and dominates the other fifteen members of the unequal partnership. It has more than two thirds of the population and 75 per cent of the territory of the Union. Its economic resources, its cultural tradition, and its predominance in the Communist Party create for it a position which cannot be challenged by the tiny Caucasian and Asiatic constituent republics.

Local Administrative Areas.—The sixteen constituent republics have been divided into governmental areas of local jurisdiction. Time and again the boundaries and organization of these areas of local government have been revised. This occurred in 1937, 1938, and 1939, and it may have occurred since. The primary basis for the subdivisions is race and nationality, since the Soviet Union has some two hundred racial groups with recognized rights to linguistic and cultural autonomy. In recognition of these rights the larger constituent republics (SSR) have been subdivided into autonomous republics (ASSR) and into territories (*kraia*), regions (*oblasti*), and areas (*okrugi*), with degrees of autonomy comparable to the cultural developments of the racial and linguistic groups in whose interest they were established. There is no symmetry in the manner in which these autonomous and semiautonomous subdivisions are organized. The most typical and numerous of them is the intermediate region (*oblast*). The smaller constituent republics are subdivided in this way. While the autonomous republics and the territories, regions, and areas have a considerable degree of cultural autonomy, they are politically and economically subordinated to the constituent republics of which they are a part in the same way as the constituent republics are subordinated to the government of the U.S.S.R.

The small constituent republics and the autonomous republics, and the territories, regions, and areas of the large constituent republics are subdivided into administrative districts (*raioni*) which correspond to an American county. These districts, in turn, are subdivided into towns, villages, or urban wards, which are the primary units of local government.

THE ALL-UNION COMMUNIST PARTY OF THE BOLSHEVIKS

The Position of the Party in the Soviet Union.—From the first day of the November Revolution of 1917 until the present, the Soviet Union has been governed by the Communist Party, a name which was adopted in 1918 by the Bolshevik or majority wing of the original Russian Social Democratic Party. The government of the Soviet Union is totalitarian; that is, the government functions not only in the restricted Western sense,

but it likewise has complete power of social and economic regulation, the inspiration of which is the work of a single integrated and relatively restricted political group. This group is the Communist Party; it is the only party in the Soviet Union. On paper, the government of the U.S.S.R. and the party are two distinct and complementary mechanisms. The organization of the two are parallel, from Moscow down through the constituent republics, the territories, regions, areas, districts, and into the smaller villages. In each subdivision the party organization has its own headquarters, congress, councils, officers, treasuries, newspapers, and so on. Officially it is the government, not the party, that makes laws, issues decrees, conducts affairs of state, controls the army and navy, and gives orders to the police. Actually, however, it is the party which rules by the simple expedient of seeing to it that all of the higher officials and the great majority of lower officials are faithful party members. The government of the Soviet Union is therefore completely controlled by the Communist Party. The Constitution of 1936 gives this party legal recognition as "the leading nucleus of all of the organizations of the working people." This provision of the Soviet Union makes the Communist Party an effective state within a state.

Nature of the Party.—In its organization and its relationship to the government, the Communist Party is different from the political parties which function in the middle-class democracies of the world. In the Soviet Union it has always been a minority in the population; its membership is restricted. In its operation it is authoritarian, although it has claimed to permit intraparty democracy from time to time. It can best be described as a ruling political elite selected from all elements of the population on a basis of interest in and loyalty to Communist Party ideals. The Communist Party was first controlled by Lenin, and came under the authority of Joseph Stalin only after Lenin's death. Since achieving power over the party, Stalin, presumably with a small group of high party officials, has formulated party policy, which, although it may be vociferously debated in congresses, committees, and soviets, is invariably and scrupulously followed. Such policies are known as the "general line" or, more popularly, as the "party line." At any given time this party line is binding upon all party members, and all party activities must conform to it. Over a period of years the line has fluctuated to an extreme degree according to altered circumstances. As the line changes, so invariably do the expressions and actions of party members in conformity with the new official statements and slogans.

Party Discipline.—A rigid discipline of all of its members has been insisted upon by the Communist Party. Party members are required to

persevere in its activities and to work energetically on behalf of its programs. They must accept directions unquestioningly and execute policies with enthusiasm. Their reward for faithfulness is participation in governing the Soviet Union. Should they be remiss in the performance of party duties, they may be expelled or may face even worse consequences.

Periodically the party leadership has required the membership to undergo a rigid examination from the standpoint of ideological purity, loyalty to the Communist cause, integrity of character, and personal behavior. These examinations, or purges, have led to the expulsion of many members and to the demotion of others. Such purges occurred periodically throughout the twenties and especially in the years from 1934 to 1939. When the purges were over, all of the old Bolsheviks who might have disagreed with Stalin's revised Communist policies or challenged his authority had disappeared. Within the party as a whole one fourth, or approximately half a million of the members, had been expelled, a large percentage of these because of an alleged lack of interest in party activities. In 1939 it was decided that there should be no more mass purges, although the party retained the right to cut off undeserving members. Rules of admission were relaxed so as to rebuild the size of the party.

Much of the success of the Communist Party both in the November Revolution of 1917 and in later years can be attributed to party discipline. It is a united, active organization based upon a socialist ideology and bound together by an iron discipline. Bases of strength are to be found in party unity and in singleness of will and action, both of which are incompatible with a deviation from its program, a breach of discipline, or the formation of factions inside the party.

Party Membership.—Every Soviet citizen is eligible for party membership on the same conditions. According to the relaxed rules of 1939, all applicants must be endorsed by three party members of three years' standing who have known the applicant as their co-worker for at least one year. The applicant must be on probation for a year and must give satisfactory proof of worthiness during this time. Then the question of admission is decided by vote of the members of the local branch of the party, to whom the application of the probationer has been addressed. To merit promotion to full membership the probationer must signify his consent to party discipline, his acceptance of the party rules and program, and demonstrate his indoctrination with the principles of Marx and Lenin.

Communist leaders have never wished to encourage a rapid and indiscriminate growth of membership. Should the party ever become an extremely large party, its character as an organized, disciplined, governing

elite would be diluted or destroyed. Therefore, the aim has been to keep the party large enough to retain an element of mass support and small enough to be manageable. In 1945 its members and probationary candidates for membership numbered 6,000,000 out of an estimated population of 202,000,000. The number of candidates is believed to have been about 1,000,000.

Duties and Rights of Party Members.—The rigorous system of controls to which party members submit includes a number of specific duties: (1) The party member must pay an initiation fee and afterward support the party by monthly dues ranging up to 3 per cent of his income plus various other contributions. (2) He must accept unhesitatingly the party line of policy and action no matter what his personal views may be. (3) Strict party discipline, party orders, and instruction must be adhered to. (4) The member must participate actively in the political life of the party and of the country by taking part in meetings, demonstrations, drives, and committees. (5) He must study the ideology of Marx and Lenin and explain it to the nonparty masses. (6) Within his community the party member must set an example in the observance of labor and state discipline, master the technique of his work, and continually raise his production and work qualifications. (7) The Soviet Communist must abstain from trade and other lucrative occupations, evince no concern about profits, and turn over whatever he can of his earnings to pension funds and similar public activities. This long list of obligations is calculated to frighten off all save those of genuine conviction and enthusiasm, as well as to operate constructively in the party's interests. Although party members must renounce religious affiliations, it is obvious that they must subject themselves to a regimen of discipline, self-denial, and service reminiscent of nothing quite so much as that enforced by a medieval religious order.

Naturally there are compensations for such sacrifices. Party membership carries with it distinction, a place in the governing group, the assurance of a job, and all sorts of preferential treatment. In addition, party members have certain rights. Although it is the primary duty of the party member to carry out decisions of the party after they have been approved, it is the theoretical right of each member to participate freely in the formulation of these policies. This is called intraparty democracy and "conscious discipline." Criticism of party strategy and objectives is usually not permitted, but there seems to be considerable freedom to discuss the best ways of obtaining such objectives. Members of the party have the right to vote in party elections and to hold party office. When their personal conduct is being investigated, they have a right to be heard. Finally,

members may ask information of, or make representations to, any party agency.

Party Organization of the Localities.—The party organization includes an extensive network of agencies. The basic units of the party structure are the "primary party organs," formerly known as Communist "cells." A primary party organ is accredited in every industrial or commercial enterprise, mine, army unit, collective farm, machine-tractor station, university, village, or office where there are at least three party members. The primary party organ agitates for the fulfilment of party slogans, propagandizes for party programs, facilitates the political education of the people in its vicinity, strengthens labor discipline, and cooperates with higher party organs. In state-controlled enterprises, such as collective farms and machine-tractor stations, these party units control the administration of the institution.

Upon the base of the numerous primary party organs is erected the hierarchy of higher party organs with an ever-expanding territorial jurisdiction. Each city and district (*raion*) has a party conference that meets at least once a year, a committee, a bureau (consisting of five to seven members), and a secretary. The secretary of a city or district organization must have been a party member for three years. Above the city and district organizations are those of the larger subdivisions of the Soviet Union: the national areas (*okrug*), the regions (*oblasti*), the territories (*kraia*), the autonomous republics (ASSR), and the constituent republics (SSR). Each of these has its party conference, which meets every eighteen months, its committee, and its secretariat. Above these is the party congress of the constituent republics. The primary party organs choose delegates who constitute the party conferences and committees of the cities and districts. These in turn elect the party conferences of the autonomous republics, territories, regions and areas, and they in turn elect the congresses of the constituent republics. From the party congresses of the constituent republics go the delegates to the All-Union Congress which, with its All-Union Central Committee, caps the party organization. The thread of responsibility and control is unbroken from the top to the bottom of this complex structure. Each organ, though it is elected by those immediately beneath it, has full power over its inferior bodies and officials.

Party Organization of the Soviet Union.—Despite the theory that the party organizations of the Soviet Union merely translate into action the will of the rank and file of the party as it is borne to them through converging channels from the primary party organs to the All-Union Congress, the leaders of the top organizations of the party actually make the decisions.

In theory supreme authority rests in the All-Union Congress, an assemblage of more than a thousand delegates which meets irregularly. According to party rules it is supposed to meet at least once every three years, but actually it has only met twice in the last twelve years. Its last meeting was in March, 1939. This body is so large and its sessions are so short that it invariably votes unanimously for the resolutions submitted by party leaders. It hears reports, officially revises and amends the rules of the party, and establishes party programs. It elects an All-Union Central Committee of about seventy members and an equal number of alternates.

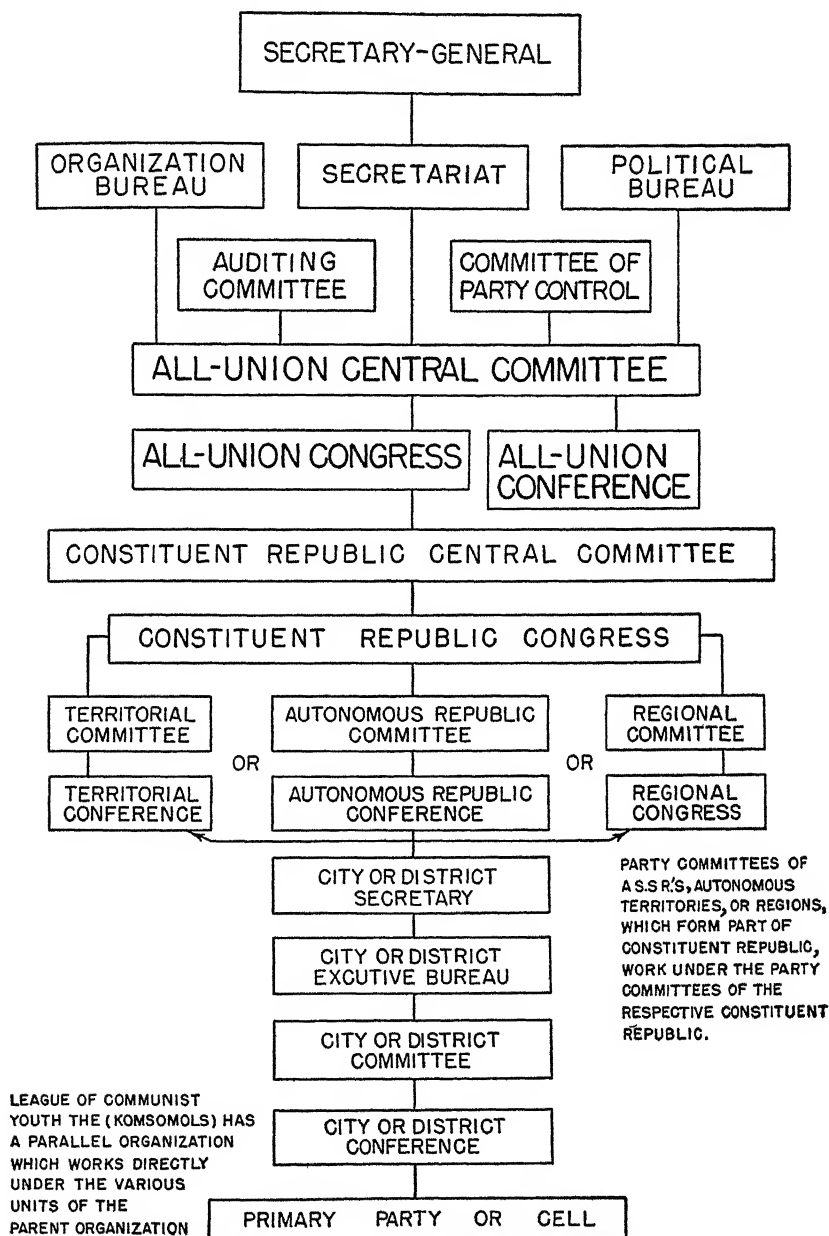
Although in theory the work of the party is performed between sessions of the All-Union Congress by the All-Union Central Committee, the latter meets infrequently and the party is largely controlled by three of its agencies: the Secretariat headed by Joseph Stalin as Secretary-General; the Political Bureau (*Politburo*); and the Organization Bureau (*Orgburo*). The members of these bureaus are elected by secret ballot by the All-Union Central Committee.

The Political Bureau and Other Central Agencies.—The nine members and five alternate members of the Political Bureau are probably the fourteen most powerful men in the Soviet Union. They hold the highest positions in both the party and the government. They are the custodians of supreme party authority when the All-Union Central Committee is not sitting; when the latter meets, it ratifies their decisions on political policy without question. Not only is Premier Joseph Stalin the dominant member of the Political Bureau, but he personally selects the members whom the All-Union Central Committee nominally elects to it.

The Organization Bureau has nine members elected by the All-Union Central Committee. Stalin is a member. This body supervises the organization and officials of the party. It has charge of propaganda and conventions. The Secretariat of four members, with Stalin at its head, is similarly named and exercises executive functions. In this interlocking directorate resides the supreme control of the party, most of it in the capable hands of Joseph Stalin and the Political Bureau which he in reality selects. For years, without holding any important post in the government, Stalin was able through these agencies alone to control for all practical purposes the government of the Soviet Union.

The All-Union Central Committee names a Committee of Party Control of thirty-one members to investigate and bring proceedings against members who have violated the program, rules, or discipline of the party. The same committee also elects an Auditing Committee of twenty-two members to check on the finances of the party agencies.

ORGANIZATION OF THE ALL-UNION COMMUNIST PARTY OF THE BOLSHEVIKS



All-Union Conference.—In the interval between the All-Union Congresses, the All-Union Central Committee of the party calls, not less than once a year, an All-Union Conference of party representatives from the local organizations to discuss questions of party policy. Delegates to this assembly are selected by the central committees of the lower units in accordance with the apportionment directives of the All-Union Central Committee. Those members of the All-Union Central Committee not delegated are given a consultative voice in the work of the All-Union Conference. Its decisions, except for those having to do with the All-Union Central Committee itself, must be ratified by the Committee, and then they are binding on all party organizations.

Youth Organizations.—The Communist Party sponsors a number of youth organizations and recruits new members from them. The most important of these are the Octobrists, the Pioneers, and the *Komsomol* or League of Communist Youth. The Octobrists are children under ten years of age. They are led and taught by the Pioneers, who are under sixteen years of age. The *Komsomol*, made up of young men and women of from sixteen to twenty-five years of age, direct the work of the Pioneers, and provide the reservoir from which party members are selected. There is some overlapping of ages in these several organizations in order that certain outstanding Pioneers or members of the *Komsomol* may remain as tutors for Pioneers and Octobrist groups.

The youth organizations parallel the organization of the Communist Party in every administrative area. They are auxiliary to the adult organizations.

The youth organizations engage in a variety of activities. They foster improved health through sports and physical culture. They study and perfect themselves in Communist doctrine. They are semimilitary in character, and the members are inculcated with a willingness to defend their homeland. They participate, moreover, to the extent of their capacity in the social, economic, and political life of their communities. Youthfully energetic, and with boundless faith in the ultimate success of Communism, the "graduates" of these youth organizations already predominate in the ranks of the Communist Party. The strength of this reservoir of potential party members has been estimated variously at from ten to twenty millions.

Although all applicants for party membership under twenty must be members of the *Komsomol*, selection to the party from the *Komsomol* is by no means assured. They, too, must serve a period of probation and be recommended by party members in good standing. However, it stands

to reason that an outstanding youth in the *Komsomol* finds the road to party membership a smooth one.

Power of the Party.—Many persons express amazement that a small minority, such as the Communist Party, should be able to supply leadership to the Soviet millions. Many factors make this control possible: (1) Since the Communist Party is the "official" party of the land, it is the only active political group and would, therefore, be difficult to displace. (2) The membership of the party is highly selective, and is based upon long preliminary training in doctrine. The members possess a remarkable sense of loyalty, duty, and enthusiasm. (3) The party organization is such that it permeates the official organs and agencies of the government. (4) The party exerts complete control over the press, radio, and all other propaganda agencies. It determines educational policies for the Union and is ever watchful that Communist doctrine is not slighted. It fosters Communist Youth organizations to ensure party regeneration. (5) The Communist Party has earned the gratitude of the majority of the people of the Soviet Union. There is little doubt that the lot of the workers and peasants is better today in a material way than it was under the Tsarist regime. These workers and peasants, constituting the bulk of the population, form the source of greatest political support for the party. (6) Nonconformity with the new Soviet order has been ruthlessly crushed. Thousands of people have been shot or sent to labor concentration camps for political offenses. Political opposition can scarcely survive in such an atmosphere. (7) Soviet Russia has given to its youth opportunities and responsibilities which they normally could not have achieved. Everywhere one finds in Russia young men and young women in important jobs. This has resulted in considerable satisfaction to the younger generation. (8) Most Russians have known nothing other than dictatorial government. They have no standards of comparison with foreign countries, and they have been taught to consider their own system the best. (9) By flattery and threats the Russian people have been molded into a pattern of national solidarity. The worker who has set the pace in the production line of his factory finds himself a national hero. The saboteur mysteriously disappears. For all of these reasons, the majority of Russians today, especially young Russians, may be reckoned as loyal in varying degrees to the Soviet regime.

The Third International.—Officially the All-Union Communist Party of the Bolsheviks was a "section" of the world-wide Marxian revolutionary organization called the Third International or the Comintern. Although the latter claimed not to be an organic part of the Soviet Union, its head-

quarters were in Moscow, its chief officials were Soviet leaders, its policies followed the policies of the All-Union Communist Party line, and its finances were presumably supplied by the Party. The Third International was organized by Lenin and his associates in March, 1919; it was the successor of the First International of 1864 and the Second International of 1889. It was conceived and operated as a world party which accepted as its fundamental purpose the encouragement of world proletarian revolution and the establishment of a classless society in all lands. Most of the larger countries of the world had Communist parties which were "sections" of the Third International and which were controlled and financed by it. A World Congress which met periodically in Moscow to examine questions of theory, policy, and organization and to coordinate Communist tactics the world over was its supreme organization. It maintained a permanent secretariat in Moscow. In the interest of harmony among the nations with whom Russia was allied in World War II, the Third International was formally dissolved on May 22, 1943.

Joseph Stalin.—The present leader of the Soviet Union was born in 1879 in the direst poverty in the little town of Gori, in Russian Georgia. His name was Joseph Djughashvili, Stalin being a pseudonym derived from the Russian word meaning "steel" and his choice among a dozen aliases which he used during his revolutionary years. Stalin's life, from childhood, was grimly poor and hard. His father, a cobbler, managed to produce a bare living for his family; his mother took in sewing and washing to supplement the inadequate family income. She hoped to make Stalin a priest and sent him to a theological seminary for training.

The circumstances of his expulsion from the seminary are obscure, but at about the turn of the century he was a professional revolutionary without any other trade or profession. Five times he was arrested for inciting strikes and circulating forbidden literature. Once he served out his term, but the other four times he escaped. At the beginning of World War I he was arrested for the sixth time and banished to Siberia, where he remained in exile for about four years. Along with other political prisoners he was released as a result of the March Revolution of 1917 and became a fellow conspirator of the Bolshevik leader, Lenin. He was an insider in party councils and was little in the public eye. In the Civil War which followed the November Revolution, Stalin was sent to the various fronts as political commissar to the Red Army.

But it was not Stalin's role either in the November Revolution of 1917 or in the Civil War which brought him up the ladder to power. It was rather his determined grip on the Communist Party machine which he

began to acquire in the years before Lenin's death in 1924 and which he later made more unshakable. The Communist Party was a disciplined, active minority. Stalin knew that control of its organization was a sure means of securing and preserving undisputed personal power, and he pursued this objective relentlessly. After he became Secretary-General of the Communist Party and after Lenin's death, he moved swiftly and boldly to eliminate by public disgrace, imprisonment, exile, and death every rival leader of the group of old Bolsheviks, beginning with Trotsky and continuing with the others one by one for a period of fifteen years. When this purge had been completed, Stalin's authority in Russia over the party and the government was completely unchallenged.

Throughout his career Stalin has been an enigma. Normally, he is disposed to retreat from the limelight. In consequence there have grown up about him walls of legend, both eulogistic and hostile. In Russia his followers speak of him as the "steel colossus," the "beloved leader," and the "Greatest of the Great." With this extravagant flattery, which Stalin permits, it might seem that he is a vain man. Most observers believe that vanity is not one of his dominant characteristics, for there is abundant evidence to indicate that he is a shrewd, hard-headed realist. It seems quite likely that he permits the cult of personal adulation to grow in the belief that the Russian people need some personal symbol of supreme authority.

THE GOVERNMENT OF THE U.S.S.R.

The Supreme Soviet of the U.S.S.R.—No very clear line between legislative and executive authority is drawn in the government of the Soviet Union. Under the Constitution of 1936 the highest organ of all state power is the Supreme Soviet of the U.S.S.R. All legislative power is granted to this body. The Supreme Soviet is divided into two separate chambers, which are known as the Council of the Union and the Council of Nationalities.

Normally, elections to both of these bodies are held every four years, but the invasion of the Soviet Union by the German armies in June, 1941, disrupted the elections which should have been held in December of that year. They have been postponed annually since then. The Council of the Union at its last meeting consisted of 656 popularly elected deputies chosen from single-member districts on the basis of one for every 300,000 inhabitants. The election districts are redrawn before each national election. The Council of Nationalities, although likewise popularly elected from single-member districts, is chosen on a different basis of representation.

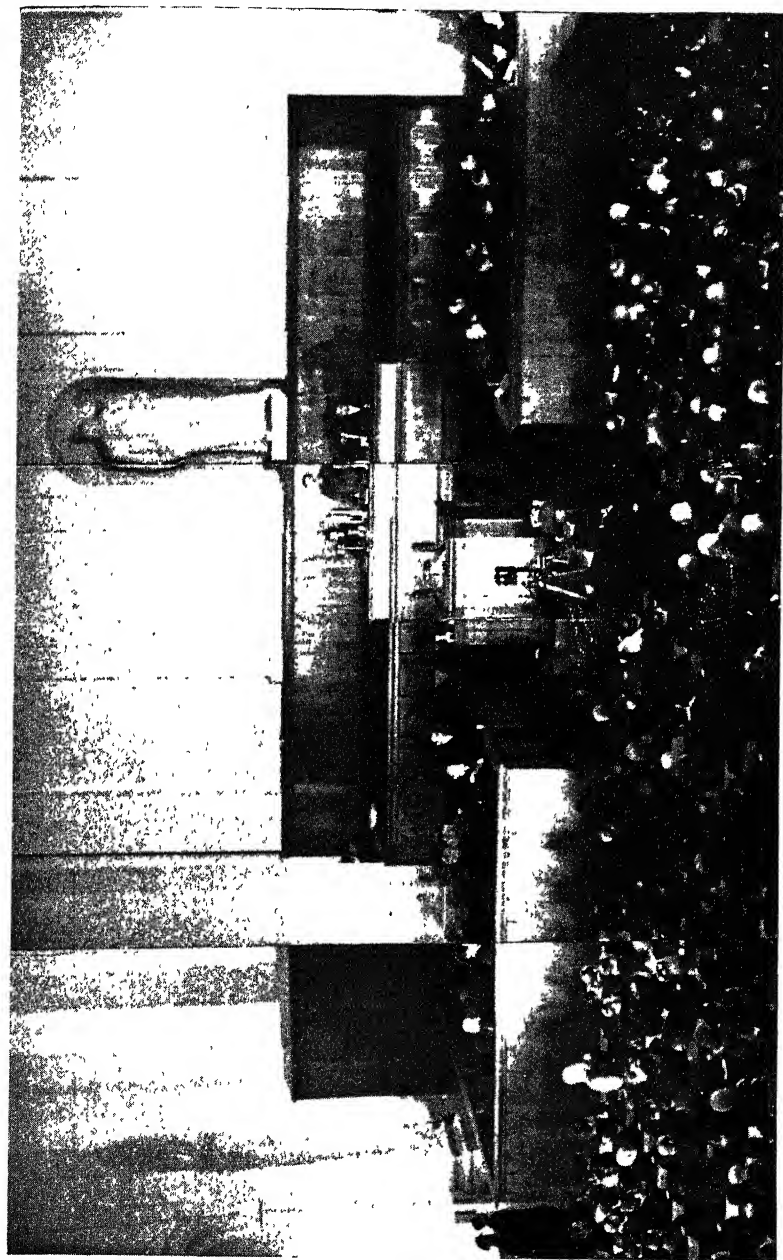
Its membership of 631 is fixed according to the principle of national self-determination. It consists of representatives from the separate national groups on the basis of twenty-five from each constituent republic, eleven from each autonomous republic, five from each region (*oblast*), and one from each area.

The two chambers meet concurrently in separate session twice a year. Each elects its own officers, a president and two vice-presidents, and decides upon the validity of the elections of its members. They meet in joint session for the purpose of (1) selecting the members of the *Presidium*, an executive and legislative committee which functions in the place of the Supreme Soviet when it is not in session, (2) appointing the members of the Council of People's Commissars (*Sovnarkom*), an executive and administrative committee consisting of the heads of government departments, (3) electing members of the Supreme Court of the U.S.S.R., and (4) appointing an Attorney-General of the U.S.S.R. Special sessions may be called at the discretion of the *Presidium* or upon the demand of a constituent republic.

The two chambers enjoy equal rights in initiating legislation. No distinction is made between financial and other bills. To become a law, a bill must receive a simple majority vote in each house, but a two-thirds vote is necessary to amend the Constitution. In cases of disagreement, the proposed legislation is referred to a conciliation commission, made up of an equal number of deputies from each house. If this commission fails to arrive at a satisfactory compromise, the matter in question is returned to the chambers for reconsideration. If the deadlock still continues, the *Presidium* may then dissolve the Supreme Soviet and order elections of new deputies for the full four-year term.

Soviet deputies are usually ardent party workers whose election to the Supreme Soviet is considered a recognition of their capabilities. A deputy is granted many special privileges, including freedom from arrest without the consent of the Supreme Soviet, or in the event that body is not in session, of the *Presidium*.

The *Presidium*.—The *Presidium* is a standing executive committee which has legislative functions in that it possesses the power of the Supreme Soviet when that body is not in session. It consists of a chairman, sixteen vice-chairmen (one for each constituent republic), a secretary, and twenty-four members, all of whom are selected by the Supreme Soviet from its own joint membership. Although the Constitution specifically provides a plural headship of the state in the form of the *Presidium* and makes no provisions for a chief executive, the President of the *Presidium* is usually considered



A. A. Andreev addresses a meeting of the Supreme Soviet of the Union of Soviet Socialist Republics before the invasion of Russia in 1938. Only a few of the members of this large representative body are shown in this scene. The statue in the niche is one of Nikolai Lenin, the founder of the Soviet Union. Viachislav M. Molotov, Commissar for Foreign Affairs, is the figure on the left of the group seated in the square platform on the right of this picture. (Sovfoto.)

to be the president of the Soviet Union. He performs those ceremonial functions usually performed by the head of state in other countries, such as the reception of foreign envoys.

The *Presidium* has been granted extensive powers, for the execution of which it is responsible to the Supreme Soviet. Included in its duties are the following: (1) convening and dissolving the Supreme Soviet; (2) calling new elections; (3) exercising the right of pardon; (4) awarding decorations; (5) appointing and replacing the high command of the armed forces; (6) carrying out referendums; (7) receiving, appointing, and recalling diplomats; (8) ratifying international treaties; and (9) declaring war in the event of invasion or in fulfillment of international obligations.† But perhaps its more potent function is the judicial one of interpreting the existing law. This process consists mainly of examining, annulling, or modifying the orders and decisions of the administrative department heads of the Union and of the constituent republics. Briefly, then, the *Presidium* is a combined plural executive, legislative council, and, in one respect, a judicial committee.

Since the *Presidium* functions continuously and the Supreme Soviet only periodically, the former is regarded as the most powerful element of the government of the Soviet Union. Joseph Stalin and other prominent Communists are members of the body, and they undoubtedly control its decisions. The influence of the *Presidium* has become so dominant that the Supreme Soviet is reduced to meeting on that body's invitation and ratifying its decrees. The Supreme Soviet has never dissented on any measure which has been submitted to it by the *Presidium*.

The Council of People's Commissars of the U.S.S.R.—Administrative power is exercised largely by a group of governmental agencies or departments called commissariats, each of which is headed by a commissar. Appointed and removable by the Supreme Soviet, these several commissars are grouped together with certain other high government officials to form a Soviet executive council, called the Council of People's Commissars (*Sovnarkom*) of the U.S.S.R. In addition to the commissars, this Council includes a chairman or premier, a vice-chairman, and the chairmen of the following independent agencies: the State Planning Commission, the Commission of State Control, the Committee on Higher Education, the Administration of the State Bank, and the Committee on Arts. In its collective capacity this body is responsible to the Supreme Soviet for (1) directing and coordinating the work of federal departments, (2) administering the monetary and credit system, (3) making effective the Union budget and the Union economic plan, (4) maintaining public order and the defense of the interests of the Union, (5) organizing the armed forces, (6) creating

commissions and other administrative organs to deal with economic, cultural, and military matters, and (7) suspending orders of the executive agencies of constituent republics which violate Union laws or decrees. On May 6, 1941, Stalin emerged from his officially obscure position as Secretary-General of the Communist Party to accept the chairmanship of the Council of People's Commissars. Since this office is similar to a premiership in Western European countries, Stalin may be considered the chief administrative official of the Soviet Union.

Although it might seem that the Council of People's Commissars bears some ministerial responsibility to the Supreme Soviet, such is not the case. It is true that individual commissars within the Council must answer interpellations addressed to them by members of the Supreme Soviet, yet the controls of the unified Communist Party prevent normal ministerial responsibility. Individual members of the Council may be removed for cause, but the regime remains in power.

The All-Union People's Commissariats and the Constituent Republic People's Commissariats of the U.S.S.R.—Within the Council of People's Commissars of the U.S.S.R. there are two kinds of commissariats: (1) the All-Union People's Commissariats, and (2) the Constituent Republic People's Commissariats of the U.S.S.R.

The All-Union People's Commissariats function in a unitary manner. Directly, or through responsible officials and agencies whom they appoint, they exert control throughout the entire nation over the administration of certain matters of national concern, matters over which the constituent republics possess no individual jurisdiction. To facilitate coordination, each constituent republic sends a representative to Moscow, while each All-Union Commissariat in turn maintains a representative in the capital cities of the republics.

The Constituent Republic People's Commissariats of the U.S.S.R., on the other hand, operate in certain limited fields definitely local in character and scope. They have counterparts which exist and function entirely within, and as agencies of, the constituent republics. The types of these commissariats are listed for each constituent republic and the lists are confirmed by the *Presidium* of the Soviet Union. In the fields assigned to it, each constituent republic is permitted a certain degree of independent action. The Supreme Soviet of the constituent republic appoints the commissars and establishes the commissariats it needs, to correspond to those of the U.S.S.R. The commissariats of the constituent republic are to a degree autonomous and are coordinated in each separate field throughout the

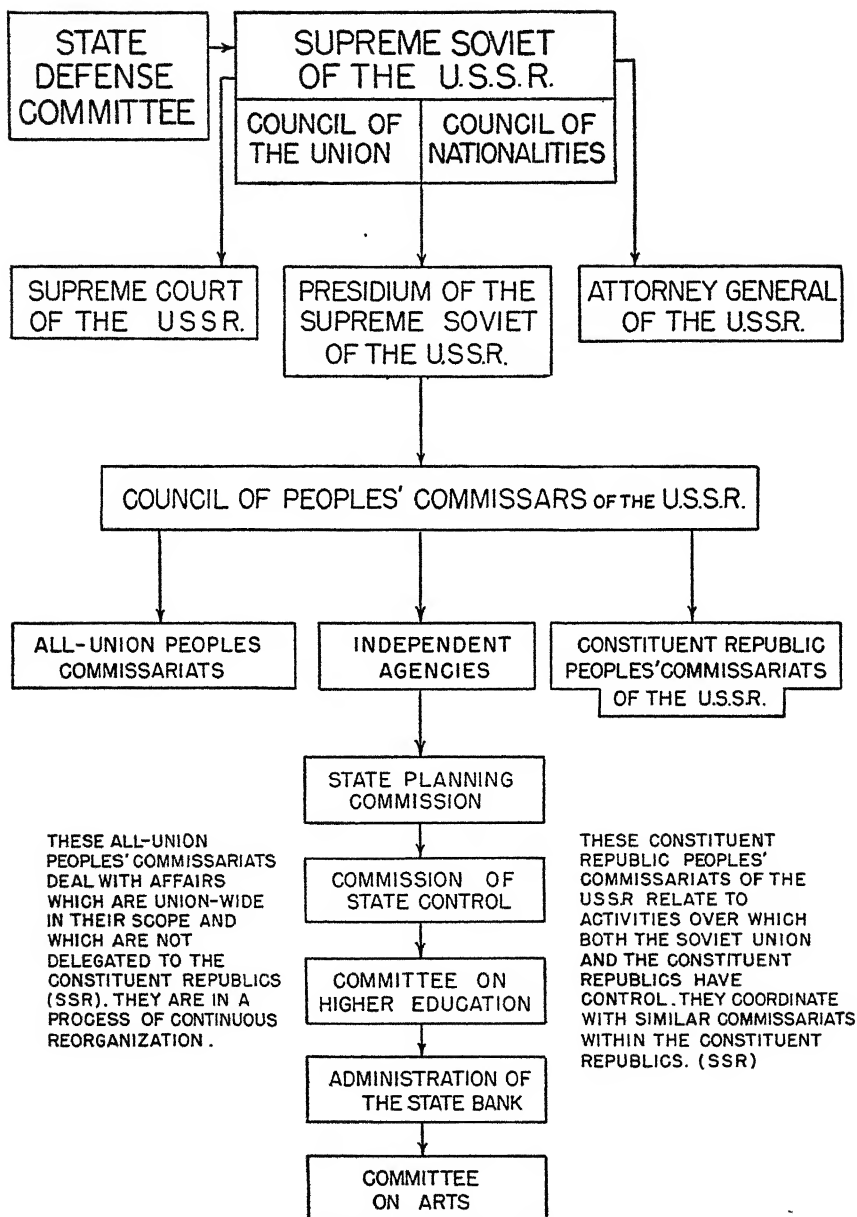
Union by the corresponding Constituent Republic People's Commissariats of the U.S.S.R., each within its own field.

Because the Soviet government participates not only in the usual political functions of a state, but in every activity of an economic, political, social, and cultural nature, its administrative departments or commissariats are numerous. They include such divisions as shipbuilding, coal mining, machine tool industries, building materials, and chemical industries as well as foreign affairs, navy, and agriculture. Also, the divisions are being constantly revised as the Soviet Union becomes more industrialized and smaller industries grow. As a result, it is futile to list the specific commissariats, for the list would be no sooner published than out of date.

The All-Union People's Commissariat for Internal Affairs.—Since its creation in 1934 the All-Union People's Commissariat for Internal Affairs has had an important part in the preservation of the political power of the Communist regime. It absorbed and has come to direct the secret political police organization—known from time to time as Cheka, OGPU, or NKVD—which operates throughout the Soviet Union to extirpate objectors to governmental policy. Although it is an executive agency, this commissariat has for years exercised unlimited powers of imprisonment and death over Soviet citizens, without the necessity of complying with judicial procedure calculated to protect individual rights. The principal duties of the commissariat are to protect the Communist regime, to repress domestic disturbances, to control the frontiers, and to supervise concentration camps and compulsory labor projects. It has several hundred thousand special troops at its disposal for carrying out these purposes.

The State Planning Commission.—The State Planning Commission (*Gosplan*) is the chief planning authority of the Soviet Union. It has advisory powers only; the execution of its plans is the function of the Council of People's Commissars. Since its creation in 1921, however, and since the adoption of the policy of administration on the basis of five-year plans, the Commission has acquired enormous importance. No major step in agriculture, industry, transportation, or finance is taken by the Council of People's Commissars unless it conforms to the national economic plan as set forth by the Commission. The balanced economic development of the Soviet Union along socialistic lines rests upon the schemes initially formulated by the State Planning Commission. In order to become effective, its plans must be ratified by certain party organs (usually by the All-Union Central Committee, and sometimes by the All-Union Congress); then, as a matter of form only, they are submitted for the approval of the higher institutions of the state. In the formulation of its plans, the State Planning Commission is

GOVERNMENT OF THE U.S.S.R.



given authority to investigate the actual performance of the various industrial commissariats for the purpose of coordinating separate enterprises and strengthening central administrative responsibility.

The State Planning Commission has seventy members, appointed by the Council of People's Commissars to head the vast administration established for the collection and correlation of the factual information necessary for the preparation of a feasible national economic plan. Several thousand employees, including a small army of statisticians, assist the Commission. These governmental workers are organized into a complex network of planning institutions.

The All-Union People's Commission for State Control.—The Commission for State Control, the governmental counterpart of the Commission of Party Control, was created in 1940. Its purpose is to establish control over the accounting and expenditure of state funds and material values, and over the execution of governmental decisions. The supervision of the nation's economic plans is in its hands.

Elections and Suffrage.—The electoral system of the Soviet Union was revised in the Constitution of 1936. The right to vote is given to all citizens over eighteen years of age, irrespective of sex, race, nationality, religion, education, residence, social origin, property status, or past political activity. Only the insane and persons condemned by a court of law are denied the right to vote. The franchise carries with it the right to hold public office. Both of these rights are expressly granted to members of the Army by a special article in the Constitution.

Elections are required to be held by secret ballot. Every citizen casts one vote directly for his choice. The lists of voters are prepared by the local soviets, who also maintain a close check on those who vote and those who do not vote. On election day ballot boxes are distributed everywhere—even on trains. A voter, absent from his own district, may vote at the nearest polling place by showing the registry slip issued him by his local authorities.

No candidate can stand for election from more than one constituency, although he need not be a resident of the district in which he finally stands for election. To be elected, he must poll a majority of the votes cast. If no candidate receives a clear majority, a run-off election between the two leading candidates is held within two weeks. A majority of the voters in any constituency may recall an unsatisfactory representative.

The Communist Party controls this electoral system by its initiative and activity on its own behalf. The Communist Party is the only official party in the Soviet Union, and it has fortified its position by securing recognition

in the Constitution. In addition the party controls the public organizations which are empowered to make nominations: soviets, trade unions, cooperatives, cultural societies, and Communist Party organizations. In recent elections there has been only one list of candidates nominated. That list of candidates can be voted for or scratched out by secret ballot. In the last election ninety-one million citizens voted the straight ticket, and only slightly more than half a million crossed out the names of the candidates.

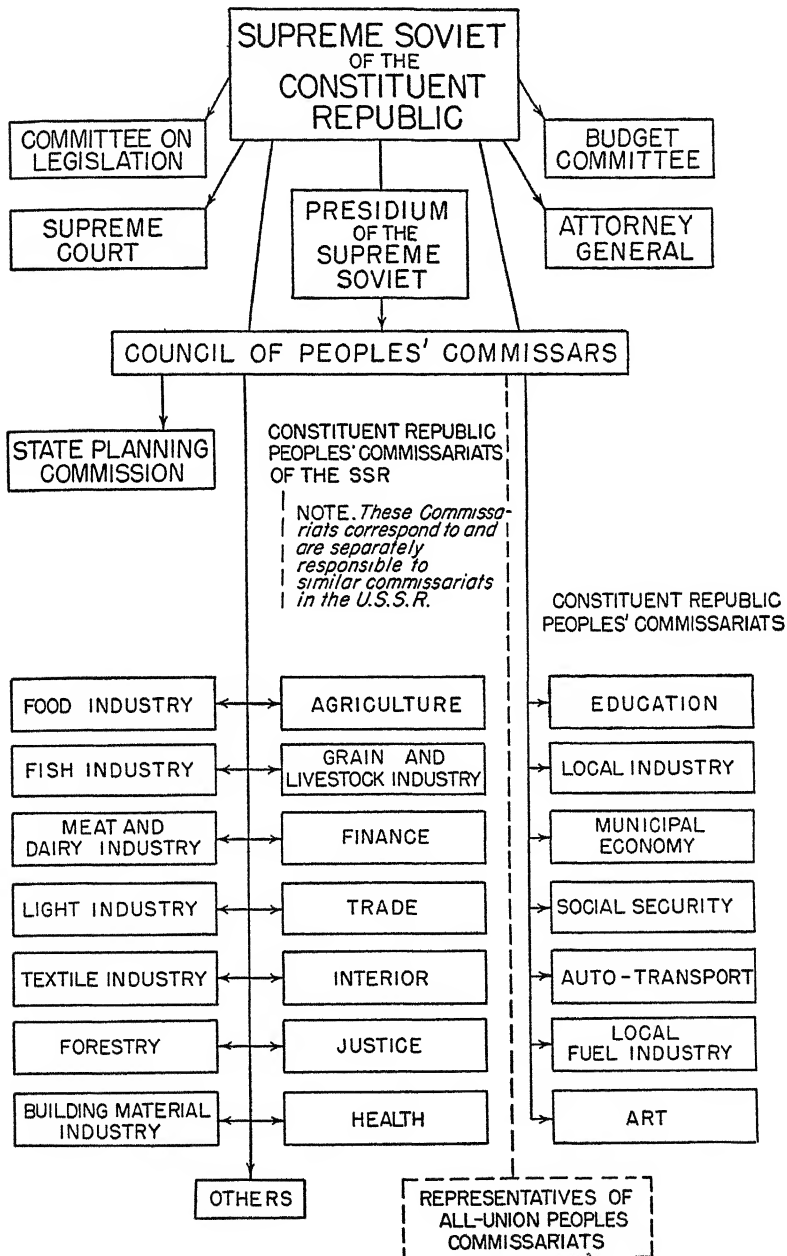
GOVERNMENTS OF CONSTITUENT REPUBLICS AND LOCAL SUBDIVISIONS

Constituent Republics.—The similarity between the pattern of government for the sixteen constituent republics (SSR) and that of the Soviet Union is striking. The highest organ of state power in a constituent republic is a unicameral Supreme Soviet, popularly elected for a term of four years. Representation in this Soviet is based upon the constitutional provisions of the particular republic. Among the functions of the Soviet of the constituent republic are (1) the adoption of a constitution for the constituent republic, which it may amend in conformity with the provisions of the Constitution of the U.S.S.R.; (2) the ratification of the constitutions and definition of the territorial boundaries of the autonomous republics appurtenant to it; (3) the approval of a plan of national economy and a budget of the constituent republic; and (4) the election of the constituent republic's Supreme Court. It also elects a *Presidium* for the republic, whose membership and duties are defined in the republic's constitution, and it appoints a Council of People's Commissars which is the highest executive and administrative organ of state power in the constituent republic.

The Council of People's Commissars (*Sovnarkom*) of the constituent republic is responsible and accountable to the Supreme Soviet of the Union. In the intervals between sessions of this Supreme Soviet, this Council is responsible and accountable to the Union's *Presidium*. The Council makes decisions and issues orders on the basis of (1) the laws in operation in the U.S.S.R. and the constituent republic, and (2) the decisions and orders of the All-Union Council of People's Commissars. Moreover, it supervises the administration of its directives.

Like the Soviet Union, each constituent republic has two sets of commissariats. First, there are those which correspond to the All-Union Republic People's Commissariats of the U.S.S.R. to which they are separately responsible. These agencies are also responsible to their own republic's Council of People's Commissars. Second, there are commissariats of the

GOVERNMENTS OF THE CONSTITUENT REPUBLICS (SSR)



constituent republic which administer particular fields entrusted to them and are responsible only to their republic's Council of People's Commissars.

Local Subdivisions.—Each Autonomous Soviet Socialist Republic (ASSR) within the large constituent republics (SSR) has a constitution. These governments are similar to the governments of the constituent republics, although their spheres of action are more restricted. Like the Union government, the governments of the constituent republics exercise a high degree of control over the activities of the smaller territorial subdivisions under their particular jurisdictions, including those of the autonomous republics (ASSR).

In the territories, regions, areas, districts, cities, and rural communities the organization is somewhat different. The organ of state power in each of these is a Soviet of Workers' Deputies, a committee which is popularly elected for a term of two years. The ratio of representation in these soviets is prescribed in the constitutions of the constituent republics. They direct the activities of the administrative agencies subordinate to them, ensure the observance of laws, protect the rights of citizens, maintain public order, direct local economic and cultural developments, and determine the local budgets. Executive and administrative functions are performed by executive committees elected by the Soviets of Workers' Deputies in accordance with the constitution of the constituent republics. These committees are directly responsible to the soviets electing them and to the executive organs of next higher units.

JUDICIAL ORGANIZATION

Origins of the Judicial System.—Following the Bolshevik Revolution, the administration of justice was highly irregular and unstable. Local revolutionary tribunals operated informally in such ways as to be indistinguishable from political groups bent on persecution. Worse, the secret police assumed the power to make arrests, to conduct so-called trials and summarily to execute their victims without permitting the accused any legal safeguards. Gradually these procedures were regularized and their harsher features ameliorated yet, even today, justice in the Soviet Union is administered under a revolutionary psychology and under conditions of rigor which would be considered unjust under free governments.

The judicial system operates under the provisions of the Constitution of 1936 and the Judiciary Law of 1938. The administration of justice is conducted by the law courts in cooperation with the legal officers of the state. However, the independence of the judges of the courts and of the law officers exists only in the words of the basic laws. Actually they are

subject to party and administrative pressures to such an extent that the judiciary has only nominal independence. The judiciary's prime function is to protect the regime from its enemies. As a result, although it normally can be depended upon to adjudicate fairly those cases which arise among citizens, it does not possess the same impartiality with reference to the citizens' claims or interests as opposed to those of the government.

The System of Courts.—Constitutionally, the rendering of justice is one of the functions shared by the Union with the constituent republics of the federation, although, as one would expect, all essential control is retained in Moscow. Except for the Supreme Court of the U.S.S.R., all courts are organs of the republics or their subdivisions, and in each area there are three levels of courts. The lowest are People's Courts to which minor civil and criminal cases are taken. These courts are usually conducted by a popularly elected judge assisted by two laymen called assessors, who are also elected. Candidates are nominated by the Communist Party, soviets, Red Army units, collective farmers, or other groups and serve for a term of three years. The assessors, however, continue their normal employment, serving on the court for ten days or so a year. All citizens eligible to vote, regardless of other qualifications, may be selected as judges or assessors. The three members of the court sit on both civil and criminal cases, and each has an equal vote on matters of law and fact. The verdict rendered is the decision of the majority. There are no juries in Soviet courts.

Above the People's Courts are the courts of the territories, regions, areas, and autonomous republics, with the members thereof elected by their respective soviets of working people's deputies for five-year terms. These courts have original jurisdiction for both the more serious offenses of a criminal or civil nature, such as counterrevolutionary activity, theft of socialized property, and actions involving state institutions.

The autonomous and constituent republics have their own Supreme Courts elected by their Supreme Soviets for five-year terms. These courts as well as the inferior courts have assessors and judges.

Supreme Court of the U.S.S.R.—Elected by the Supreme Soviet of the U.S.S.R., the Supreme Court of the U.S.S.R. is the highest court of the land. Its thirty or more judges sit in criminal, civil, and military sections and have five-year terms of office. They handle appeals from the high courts of the republics in cases involving federation law, controversies between republics, and charges against U.S.S.R. officials. The officers of this court supervise all of the courts of the U.S.S.R. and render advisory opinions on the constitutionality of law without possessing at the same time any power to declare a law or decree unconstitutional.

Legal Officers of the State.—The chief legal officer of the Soviet government is the Attorney-General of the U.S.S.R. On his own initiative or on complaint by citizens he investigates and prosecutes for graft, sabotage, or any misuse of public property by administrative departments and individuals alike. In a socialized state, where the livelihood of all depends upon the proper use of public wealth, this office assumes tremendous importance.

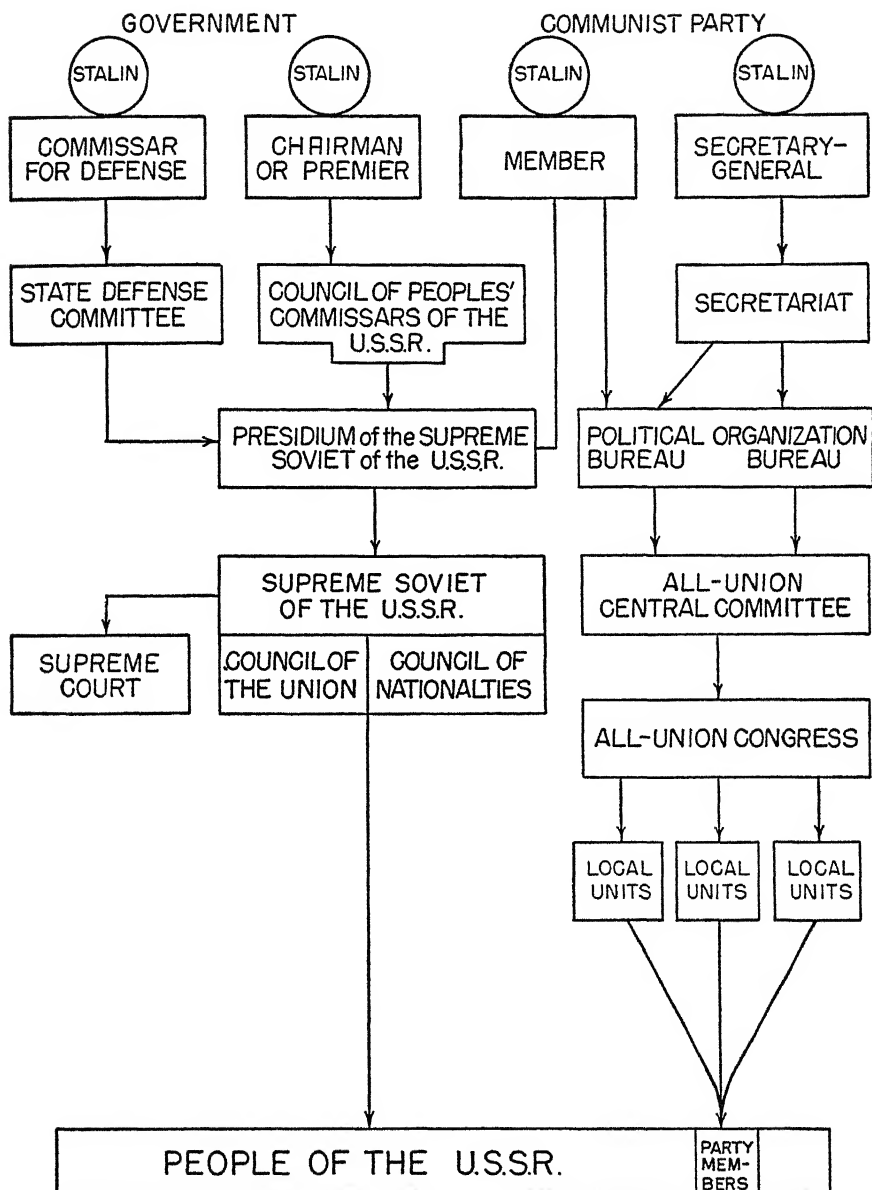
The makers of the Soviet Constitution desired that the Attorney-General, as investigator and prosecutor, should be given great independence from all other officials. Thus he is appointed by, and is responsible to, the Supreme Soviet for a term of seven years, which is longer than the term of any other official, elected or appointed. The Attorney-General appoints for a term of five years the state attorneys of the republics. These attorneys in turn appoint, subject to the approval of the Attorney-General, the attorneys of the districts and localities for a term of five years. All attorneys are responsible to the Attorney-General and are independent of any interference or control by any of the lower layers of government. These legal officers of the Union and of the republics work through their respective Commissariats of Justice and are limited to the functions of investigation and prosecution. Final judgment is reserved for the court before which the case is tried. The whole state attorney organization, which is more highly centralized than the court system, is entirely independent of any agency save that which appoints it, the Supreme Soviet.

Principles of Judicial Procedure.—Under the law of 1938 certain general principles of judicial practice were stated. They include the equality of all citizens before the law; the uniformity of criminal and civil procedure throughout the union; the independence of judges, who are subject only to the law; the use of local languages in the courts; the right of the defendant (with certain exceptions) to legal defense; the publicity of court records (except in certain cases); and the elective character of the judiciary. In the interests of the independence of the judiciary, judges and assessors may be removed only by being recalled by the bodies which elected them or by a decision of a higher court. The Attorney-General is the only official empowered to initiate criminal action against them, and even he must have the sanction of the *Presidium* of the U.S.S.R. before he can act.

ARMED FORCES

The Development of the Red Army.—From the standpoint of emphasis, the development of the Red Army can be divided into three main periods. During the first period, 1917–1927, Soviet armed forces were under the control and influence of Leon Trotsky. Major emphasis was placed upon

RELATIONSHIP OF THE COMMUNIST PARTY TO THE GOVERNMENT OF THE U.S.S.R.



political indoctrination and partisan warfare, to the neglect of creating strong, standing, professional forces. On the other hand, every effort was made to guarantee the growth of a loyal and politically well-indoctrinated officer corps. Numerous military schools were started, among which the Frunze Academy is the most outstanding example.

The second period, 1928-1936, saw energetic attempts to build a strong standing army. When the first Five Year Plan was put into operation for the industrialization of the Soviet Union, part of its purpose was the improvement and modernization of the Red Army. Improved concepts of mechanized warfare and airborne operations, similar to those of the Germans, were developed. In addition, the geographical redistribution of industrial centers in a great chain lying from twelve hundred to two thousand miles from the western frontier immeasurably strengthened the position of the U.S.S.R. By 1934 Soviet leaders were expressing growing satisfaction with the Army's technical skill in the use of new engines of war and with the war potential in the growing industrialization of Russia. At the same time, more and more stress came to be placed on the political education of the Army in such matters as preparedness policy and national patriotism.

The third period, 1937 to the present time, brought accelerated emphasis upon trends already developed. Military operations against Finland and Japan, disclosing weaknesses in material, organization, and leadership, brought improvements in the design of equipment and new emphasis on tactical training. Discipline became even more strict and more attention was paid to rank among personnel. Previously there had been no marks of distinction or rank on officers' uniforms. Beginning in 1940, rank and distinctive insignia for officers were instituted, and the custom of saluting officers was restored. The traditional rank-and-file clubs for all were replaced by separate clubs for the officers and others for the enlisted ranks.

Plans were laid for more efficient mobilization, and the whole military organization was put through severe, realistic maneuvers. The armament industry and heavy industry in general received even greater attention in anticipation of a war of considerable duration and on a wide front. In the organization and operation of the Army three basic principles were applied: simplicity, flexibility, and improvisation. Successful application of these principles has made the Red Army the effective instrument it is today.

The High Command.—The supreme direction of the Soviet armed forces is in the hands of Joseph Stalin. He is Commander-in-Chief of all of the military forces of the U.S.S.R., the People's Commissar for Defense, and Chairman of the State Defense Committee, which has had over-all

control of the country during the war. The Committee has a total of eight members. It was organized when the German invasion of Russia began in 1941, and it exercised full legal authority over all citizens, party organizations, communal institutions, and armed forces. For the duration of World War II this body was the supreme organ of government of the Soviet Union. The Supreme Soviet, the *Presidium*, and the Council of People's Commissars of the U.S.S.R. delegated to it all of their constitutional powers. Its dual function was to mobilize the people and resources of the Soviet Union and to organize resistance to the invaders.

Under the Constitution, the Supreme Soviet has the power to determine questions of war and peace, a power exercised by the *Presidium* in intervals between sessions. The *Presidium* of the Supreme Soviet is also intrusted with appointments to the high command and dismissals and changes therein, but this power has recently been exercised by the State Defense Committee. The administration of the Commissariat of Defense, under Stalin, controls all of the military forces of the Union and the General Staff.

The Red Army.—The strength of the Red Army and the resources and manpower which support it make the Soviet Union one of the world's leading military powers. The Soviet Union has followed the European practice of conscripting all of its physically fit young men for military service according to age groups. With its large population of 202,000,000 people the Union has had great manpower reserves for military service. Since 1936 the minimum draft age has been reduced, first to nineteen and then to seventeen. A new peacetime military service law in 1939 established as periods of active service two years for the infantry, three for the air force and border guard, four for coast defense and coast guard, and five for the navy. After fulfilling his term of service the Soviet citizen passes successively into the first, second, and third reserve, the latter ending at the age of fifty.

A decree published in September, 1941, required all male Soviet citizens between the ages of sixteen and fifty to take military training outside working hours. Before being called up for induction, the Soviet recruit receives preliminary instruction in the elements of soldiering in the League of Labor and Defense (*Osoaviakhim*), an organization for the study of aviation and chemical warfare. Founded in 1927, it has become one of the largest organizations in the world for instructing civilians in military science. On the eve of the recent war it counted twelve million members of both sexes, and it dealt with almost every aspect of training for war, especially amateur aviation, gliding, parachute jumping, rifle marksmanship, air raid drill and first aid measures, training in the use of gas masks, and physical training. It has been estimated that through such methods as these

eleven million Soviet citizens received thorough military training and eleven million more partial training between 1925 and 1940. As a result, Russia entered World War II with vastly more manpower reserves than any other power in the anti-Hitler coalition. This fact and the fact that many citizens are now armed attest both to the military power of the Soviet Union and to the confidence on the part of the government that it enjoys popular support.

The strength of the Red Army can only be estimated. It was believed that some five million troops were in action on the European front in early 1945, supported by fourteen million reserves in various stages of training. In addition, the Far Eastern armies were supposed to contain at least a million and a half troops. The Soviet government has announced demobilization plans for "millions" of soldiers, but exact figures are not available.

Communism and the Armed Forces.—The Communist Party plays a unique and vital role in its relationship to the Red Army. The party is officially acknowledged as the organizer, leader, and guiding spirit of the Soviet armed forces, and its influence and control extend to all aspects of military life. This political control begins within the governmental agencies of the High Command and extends through the chain of command to the large proportion of the total military and naval personnel. In 1941, just before the German invasion of the Soviet Union, more than 50 per cent of all Soviet armed forces belonged to Communist Party organizations.

Beyond Communist control of the higher echelons and its permeation of the rank and file, the party exerts its influence over the armed forces through an extensive and continuing program of political education. The commander of every military unit down to company grade is responsible for the political education of his men, and in every such unit there is an assistant commander for political work. These assistant commanders have had no authority to interfere with the technical command functions of unit commanders since 1942. They have a separate chain of command, however, and in their duties they are directed by the Chief Political Administration of the Red Army and its subdivisions.

Members of the Communist Party in the armed forces are expected to assume special responsibilities. By personal example they are expected to lead all others in military activities. They have an obligation to instill patriotic feeling, loyalty to the regime, and discipline among their fellows in the services.

The Red Air Force.—The air force of Soviet Russia is designed to cooperate with ground forces and the fleet, to perform long-range bombardment missions, and to defend important strategic areas. The personnel is selected from volunteers among those called up for military service. Before

the recent war there were, in addition to the League of Labor and Defense, more than a thousand flying clubs from which the Red Air Force could draw reserves. Soviet aviation has been pre-eminent in winter and polar flying.

The Red Fleet.—After the sailors of the Kronstadt naval base opened the attacks of the November Revolution of 1917, the Russian fleet was practically destroyed in the resulting warfare and was not rebuilt for a decade. About 1934 the Soviet government revised its policy of concentrating on its army to the exclusion of the navy. It began to build three main fleets: one for the Baltic, one for the Black Sea, and a third for the Far East, with additional ships for the White and Caspian Seas. All of the elements of the naval forces are under the administration of the Peoples' Commissariat of the Navy. In spite of its small size and wide dispersion, the Red Navy performed remarkably well during the recent war. The Red Navy is strongest in submarines and torpedo boats.

FOREIGN POLICY

Elements of Consistency and Variation in Policy.—Although there have been striking variations in the techniques and overt manifestations of Soviet foreign policy, basic consistency in its motivation and objectives has not been lacking. It would be shortsighted to believe that the emergence of the Soviet Union has meant a complete break with its Russian past in foreign policy. Tsarist Russia was subject to certain natural factors of geography and strategic location producing a pattern of action which any subsequent government, influenced by the same factors, would surely manifest. Soviet drives toward warm water ports and easier access to the sea are a continuation of similar Tsarist policies. Soviet penetration into Central Europe, the Balkans, the Caucasus, Central Asia, and Mongolia are part of a pattern which any state, regardless of social ideology, situated as Russia is, would be bound to try to fulfill. The government of the Tsars saw the significance of achieving national power and strove to maintain it in Russia's interest. In Russian history there have been periods when policy has required close association with other states for the purpose of meeting a common danger. Russia's associations with the coalitions against Napoleon were of this sort. The Soviet Union has met external problems with many of the same devices that Tsarist Russia used and for many of the same reasons.

Another element of consistency in Soviet policy is the incessant striving for a position of security for the nation. The Soviet Union quite logically has sought to prevent the rise of any other power in Europe which, by

reason of national strength, underlying ideology, or strategic position, could threaten her security. The Soviet policy in such a case has been to place Russian weight along with other forces opposing the danger, or, wherever there has been any prospect of success, to cooperate with any collective effort to restrain a potential aggressor.

Soviet ideology has, on the other hand, made important contributions to Russian policy. The direction of Soviet policy is unique in having at its disposal agencies within other states which constantly represent Soviet views. National communist parties in foreign nations attempt to aid the U.S.S.R. in the expression of its policy. No doubt such communist parties represent a bona fide theory of domestic social change within their nations, but it is likewise an important fact that their programs do not conflict with the foreign policy of the Soviet Union. It is probably true, too, that the ability of the Soviet Union to create and maintain institutions of practical worth to its population, as is shown by their testing in war and in peace, has increased the influence of the nation in many foreign countries and aroused some enthusiasm for Soviet foreign policy within them.

Despite the continuing influence of compulsions of history, geography, economic factors, and underlying ideologies which make for consistency in Soviet foreign policy, there have been obvious fluctuations in its methods and expressions. From time to time the Soviet Union has shifted its international attitude boldly as the world situation and its own immediate aims have fluctuated. Depending upon these factors, the government has seemed bellicose or pacific, internationalist or isolationist, aggressive or passive. For instance, the movement which brought the Soviet Union into being was dedicated to the idea of world revolution; with the passing of time this objective has been diluted in Soviet policy. In general, Soviet foreign policy falls into several fairly distinct periods, each with a change of emphasis dependent upon the international and the national situations at particular times.

Revolution and Counterrevolution, 1917-1921.—Between the years 1917 and 1921 the Bolshevik Revolution created the Soviet Union. The Bolsheviks in March, 1918, after protracted negotiations, withdrew from the war against Germany in the Treaty of Brest Litovsk in order to fulfill their public promises of peace. The German terms were exceedingly harsh, and there were moments during the negotiations when it appeared that the Bolsheviks might not accept them, but having no sound alternative they signed the treaty.

The Allies immediately reacted by giving greater aid to the Russian counterrevolutionaries and intervening more determinedly against the Bol-

shevik military forces. The necessity of preventing war materials from falling into German hands was the reason generally assigned for the intervention, but the motivating factors were of several kinds. It is quite clear that the purpose in some Allied circles was the re-establishment in Russia of a more politically acceptable government than the revolutionary one.

During this period the Soviet government anticipated and worked for world-wide revolution. This was in accord with the Marxian tenet that by direct action and violence the oppressed proletariat should overthrow the "imperialistic" governments of their bourgeois "oppressors." It was also in accord with the Marxian idea that socialism had to be international in its scope. The Third International, the world organization of Communist parties, was set up with headquarters in Moscow to further this aim. Although officially and theoretically there was no connection between the government of the U.S.S.R. and this organization, as the years passed there was a close parallelism between the policies of the two in the sphere of international relations.

The Quest for Security, 1921-1934.—Following the Russo-Polish war which began in the spring of 1920 and resulted in the inclusion in Poland of areas ethnically Russian, the Soviet government adopted a policy of defensive isolationism. Not only the Allied interventions in Russia but also the Polish war against Russia had been at least indirectly sponsored by the victorious powers of World War I. Russia was convinced that these powers were determined to destroy the communist experiment. Consequently Russian policy became one of abstaining from involvement in international affairs, taking advantage of divisions among capitalist enemies, and seeking agreement with neighboring nations.

Russia during this period was suspicious of collective action, particularly as symbolized by the League of Nations, and sought safety rather in separate pacts of neutrality and nonaggression with a number of nations. Such pacts were concluded with Turkey (1925), Germany (1926), Lithuania (1926), Iran (1927), Afghanistan (1931), Poland (1932), Finland (1932), Estonia (1932), Latvia (1932), France (1935), and China (1937). By these means a zone of neutral states was created along the European and Asiatic frontiers of Russia. In each case, too, the Soviet Union sought credit and trade opportunities in order to restore her economy to prewar levels and to promote her industrialization program.

The "Popular Front," 1934-1938.—The emergence of the militarists as the real power in Japan and the establishment of Hitler as the German dictator caused Russian policy to enter upon its third phase. Collective security was accepted in a series of political alliances with capitalist nations.

The Soviet Union exhibited a great readiness to cooperate with the liberal forces in capitalistic countries and to enter into arrangements which would be more positive than nonaggression pacts. In a reversal of its former attitude, the Soviet Union joined the League of Nations. Treaties of mutual assistance were entered into with France and Czechoslovakia.

The Third International, responsive to this shift in the foreign policy of the Union, abandoned its advocacy of violent revolution for advocacy of a "popular front," in opposition to Fascism, a unity of combined socialist, radical, and liberal groups and parties. However, the U.S.S.R.'s interest and belief in the policy of collective security waned as British and French appeasement of the Fascists with regard to Ethiopia, Spain, and Czechoslovakia convinced Soviet policy makers that British and French policy was primarily anti-Soviet. The exclusion of the Soviet Union from the Munich Conference in the fall of 1938 was a severe blow to Soviet pride. Germany had succeeded in isolating the Soviets. The British, who in Soviet eyes were attempting to play the Soviet Union off against Germany, by the same interpretation had successfully drawn France away from her Soviet alliance. After this rebuff, the Soviet Union again withdrew from the collective security system and by her agreement with Germany in August, 1939, came to rely once more on her own resources in the international game of power politics.

The Soviet-German Pact, 1939-1941.—Following the Munich crisis Russian policy became one of aggressive isolationism. Although on the one hand Stalin had little faith in the political purposes and the military power of France and England, on the other hand he had developed considerable respect for the strength of Nazi Germany. When, therefore, Hitler offered him peace, practical reasons prompted Stalin to choose this alternative. Despite the most frantic last-minute efforts of British diplomatists to turn him from this purpose, Stalin signed the Soviet-German pact of neutrality and nonaggression on August 23, 1939. Germany, thus freed from the danger of a two-front war, immediately invaded Poland.

The Soviet government, for historical, national, and strategic reasons, embarked at once upon a policy of territorial acquisition. The Polish armies having been smashed by the German advance, the Red Army proceeded to occupy eastern Poland, parts of which were incorporated into the Soviet constituent republics of White Russia and the Ukraine. Many Poles, politically suspect, and estimated to number more than a million, were sent to Russia. The Baltic republics in October, 1939, were compelled to accept the establishment of Soviet military, air, and naval bases on their territory. Eight to nine months thereafter these same countries were completely taken

over and organized as separate Soviet republics. A short and violent war between Finland and the U.S.S.R. obliged the former to give up the Karelian Isthmus, the naval base of Hangö, and other territories. In mid-1940 the threat of military action against Rumania forced the latter to surrender Bessarabia and northern Bukovina to Russia. It is noteworthy that, with the exception of part of the Polish acquisitions and northern Bukovina, all of these territories had been included within the former Tsar's Empire.

The Soviet-German Pact of August, 1939, had been of benefit to both Russia and Germany, at least immediately. Stalin, in addition to securing territories of strategic importance, procured a breathing period of peace which he used to strengthen Russia's military power. But Germany meant to adhere to her policy of eastward expansion, and the two years of the pact's existence gave her time to increase her military strength.

The War with Germany, 1941-1945.—Although the causes for World War I and World War II were in many respects similar, the Russians pursued a different course in 1939 from that of 1914. In 1939 the Russians attempted by every means to localize the war and remain out of it. At the same time they prepared for war by internal adjustments and rectifications of their western frontiers. Although the Soviet territorial policy had embittered relations between Russia and the Western democracies, the German attack of June 22, 1941, found Britain and the United States ready at once to accept Russia as an ally in the battle against Hitler. The Soviet Union, on her part, joined the Allied powers by signifying her adherence to the Atlantic Charter and signing the Declarations of the United Nations. She later signed twenty-year military alliances with Great Britain (May, 1942), Czechoslovakia (December, 1943), the Provisional Government of France (December, 1944) and the Polish Government (April, 1945). In June, 1942, Russia and the United States came to an agreement on the extension of lend-lease benefits to the Soviet Union, and from that time forward the Russian war effort received tremendous assistance from American industry throughout the war. On the Russian side, the decision of the Third International to dissolve its whole organization was a sign of a new spirit in the relations among the Allies.

After the outbreak of war modern Pan-Slavism became noticeably strengthened as a factor in the relations between the Soviet Union and her Central European and Balkan neighbors. The re-establishment of the Patriarchate in Moscow in September, 1943, impressed favorably the orthodox among the Balkan Slavs. In addition, Russia influenced the Central European and Balkan Slavic areas through the medium of local leftist groups for whom Russia was the model of social reform.

At the same time, Russo-Polish relations, unstable for centuries and never healthy between 1921 and 1939, continued unfavorable. After some signs of harmony in 1941 between Moscow and the Polish Government in London, relations again deteriorated. In 1942 Polish groups in Russia formed the Union of Polish Patriots, which represented itself as in accord with Russian goals, while Poles in Britain and the United States continued to agitate for a guarantee by Britain and the United States of the eastern frontier of Poland as it stood in 1939. Since that time Russia, having earlier broken relations with the London Poles, has recognized a Provisional Government in Poland which had been established by the pro-Soviet Poles. In August, 1945, the Soviet Union and the Polish Provisional Government signed a treaty which established the Russo-Polish border with minor variations along the old "Curzon Line." A similar split between pro-Russian and anti-Russian factions appeared in Yugoslavia. The Chetniks under Mihailovich, Minister of War in the Yugoslav government established in London, came into conflict with leftist Partisans under Marshal Tito, sponsored by the U.S.S.R. Following the Soviet lead, both Britain and the United States gave provisional recognition to the governments established in Poland and the Tito regime in Yugoslavia. The British and American point of view, however, was that all legitimate and nonfascist parties be allowed freely to act within the political systems of the two countries.

A great step forward in United Nations harmony was taken in October, 1943, with the holding of a meeting in Moscow of the foreign secretaries of Great Britain and Russia and the Secretary of State of the United States to consider mutual problems. A joint declaration was issued which indicated close harmony of purpose and action. Still further progress in United Nations harmony was sought in subsequent conferences among the chiefs-of-government of the United States, Great Britain, and the Soviet Union. On November 28, 1943, President Roosevelt, Prime Minister Churchill, and American and British military staffs met Premier Stalin and his staff in a five-day conference in Teheran, Iran. At the conclusion of the conference the three United Nations leaders announced that they had agreed on common war and peace policies. In February, 1945, at a conference of the three chiefs-of-government held at Yalta in the Crimea, more specific agreements were made in the political field concerning common policy toward the enemy upon the achievement of victory. After President Roosevelt's death, President Truman met with Prime Minister Churchill, and later Prime Minister Attlee, and Premier Stalin in Potsdam, Germany, where, in view of the defeat of Germany, specific directives were laid down as a foundation for the construction of the peace. The pressures of common

The Teheran Declaration

We, the President of the United States of America, the Prime Minister of Great Britain, and the Premier of the Soviet Union, have met these four days past, in this, the Capital of our Ally, Iran, and have shaped and confirmed our common policy.

We express our determination that our nations shall work together in war and in the peace that will follow.

As to war, our military staffs have joined in our round-table discussions, and we have concerted our plans for the destruction of the German forces. We have reached complete agreement as to the scope and timing of the operations to be undertaken from the east, west and south.

The common understanding which we have here reached guarantees that victory will be ours.

And as to peace, we are sure that our concord will win an enduring peace. We recognize fully the supreme responsibility resting upon us and all the United Nations to make a peace which will command the good will of the overwhelming mass of the peoples of the world and banish the scourge and terror of war for many generations.

With our diplomatic advisers we have surveyed the problems of the future. We shall seek the cooperation and active participation of all nations, large and small, whose peoples in heart and in mind are dedicated, as are our own peoples, to the elimination of tyranny and slavery, oppression and intolerance. We will welcome them, as they may choose to come, into a world family of democratic nations.

No power on earth can prevent our destroying the German armies by land, their U-boats by sea, and their war plants from the air.

Our attack will be relentless and increasing.

Emerging from these cordial conferences we look with confidence to the day when all peoples of the world may live free lives, untouched by tyranny, and according to their varying desires and their own consciences.

We came here with hope and determination. We leave here, friends in fact, in spirit and in purpose.

Signed at Teheran, Dec. 1, 1943.

ROOSEVELT, STALIN, CHURCHILL

effort in the prosecution of a gigantic war had produced a practical cooperation. It remained to be seen whether the wisdom of statesmen facing the less tangible but none the less real problems of peace was sufficient to produce the cooperation necessary to protect the hard-won peace.

The Current Russian International Position.—Following close upon the Potsdam meeting Japan was brought to admit defeat. Just before the Japanese surrender the Soviet Union had declared war upon her, and the Russian armies had begun to pour into Manchuria. The end of the war in the Pacific came suddenly and sooner than was popularly expected. The powers that had waged the mightiest of all wars were suddenly face to face with the most monumental of all problems of reconstruction. In the rehabilitation of a devastated and weakened economic and social order they could choose to follow the path of multilateral cooperation, or they could follow a policy of unilateral satisfaction of national purpose.

The San Francisco Conference of the United Nations, which met in May and June, 1945, created a constitutional framework within which the powers can develop the mechanism for maintaining their common purpose to establish world peace. Russia's role in the development of the charter of the United Nations Organization was a major one, and it should be remembered that the finished charter resulted from concessions on the Russian side as well as on the part of others. On the side of constructive, cooperative accomplishment, much has been done by the powers which is often overlooked in the midst of conflict in other respects.

In Germany itself, despite points of friction, there was established a quadripartite occupational arrangement, participated in by the U.S.S.R., Great Britain, France, and the United States. The powers are moving cooperatively to rid Germany of Nazism and to aid her in becoming an acceptable member of the family of nations. Similarly in Austria, the powers, agreeing in October, 1945, to support the coalition government there, were working together. With reference to the occupation and the rehabilitation of Japan there was promise in November, 1945, of common agreement. The Chinese-Russian Treaty of Alliance announced in August, 1945, was a great step forward in constructive statesmanship. Fundamental matters having to do with both Inner and Outer Mongolia, Manchuria, the railways of Manchuria, Port Arthur, and areas formerly within the Japanese Empire were dealt with in a fashion mutually satisfactory to both sides and in complete agreement with principles underlying the United Nations. These constructive accomplishments should remind the student of international affairs that the Soviet Union in the past, especially after 1934, proved to be one of the most loyal adherents of collective security.

The Soviet Union has just emerged from a gigantic war as one of the major victorious powers. Her accomplishments as well as her sufferings in the conflict are incalculable. Any power in such a position, flushed with victory and a sense of achievement, would be bound to seek a peace settlement favorable to its own interests. The Soviet Union has achieved a new power position that must be in some measure recognized by other states without sacrificing their own vital interests. This is a job for constructive statesmanship.

A powerful negative factor in Soviet Russia's dealings with the outside world has existed from the first in the checks imposed on foreign observers in Russian territory. At times that policy has thrown a virtual wall of secrecy around Russian domestic affairs. At no time since the 1918 Revolution has a foreigner enjoyed in the Soviet Union the opportunity for observation and self-expression which is normally accorded by other countries to alien visitors, including Russians. In its latest expression that wall was advanced in 1945 to include all conquered areas occupied by Russia's armies. These restrictions were recently relaxed, however, in Poland, Rumania, Bulgaria, and Yugoslavia in the interest of more complete newspaper reporting of political conditions in those countries. If broadened to include the Soviet Union itself, this new policy could remove a serious obstacle to mutual understanding. The blunt refusal of the Soviet Foreign Ministry on November 1, 1945, to abate the extreme degree of censorship maintained over reports made by foreign observers assured the continuance of the blackout. A corollary of the policy of secrecy is the system of restrictions imposed on Soviet citizens who desire to travel abroad or to establish any other form of direct contact with the outside world.

That it is difficult for the bitterest experience in the agony of war to force men to compose their differences was proved by the conferences of the Council of Foreign Ministers which met in London in September and October of 1945, for the purpose of framing the preliminary agreements of the peace settlement. In the meetings, Anglo-American and Western European powers showed their concern over the expansion of the Soviet economy and influence into new areas. The U.S.S.R. showed its determination to build a security zone against future attack. The Soviet Union, with much in the history of the past twenty-five years to support its fear of foreign hostility, suspects that there remain potent forces that desire to undermine the communist experiment. Thus, there exists a mutual suspicion which produces an obstacle to the cooperation of nations of different social ideology in establishing an enduring peace.

In Poland, in Rumania, in Bulgaria, in Yugoslavia, and in all the lands

bordering the Soviet Union there persists a conflict, a conflict of social philosophies. To the Marxist, Communism is the answer to social maladjustment, and democracy in the Western sense becomes a façade behind which lurks the counterrevolutionary or the fascist. To the citizens of the evolutionary democracies, Communism is a threat to the most valuable institutions of society, and democracy is a process through which various social forces can operate for the best growth of the social organism. A supreme test of the statesmanship of the mid-twentieth century will be its ability to reconcile these two opposing viewpoints, despite the strategic considerations, the economic forces, and the rival ambitions which have prevented full collaboration in the attainment of the common goal of world security.

THE GOVERNMENT OF JAPAN

JAPAN IN TRANSITION

Temporary Character of Current Political Institutions.—For the time being Japan lives and functions as a political organism under the direction of the Allied Nations. Control is exercised by the Supreme Allied Commander, General Douglas MacArthur, of the United States Army. Most of the traditional Japanese political institutions have been swept away by the terms of the surrender instrument signed August 14, 1945. Those which remain in being have been spared to assist in carrying out the task of the Army of Occupation. Even where their voice is Japanese, the will behind them is the will of the conqueror. Out of this interim situation a new Japanese government will emerge in time. The terms accorded Japan are positive on that point. They specify, moreover, that the final pattern is to be representative and democratic. What part, if any, of the traditional Japanese political forms can or will be reshaped to fit the democratic pattern conceived by the United Nations is a matter of conjecture. Presumably, a Diet, or at least its lower house, will become—or rather remain—the source of Japanese legislation. By contrast, such bodies as the Imperial General Staff, the Privy Council, and possibly the House of Peers, all of them strongholds of the autocratic, militaristic political system which piloted Japan down the channels of military aggression, are slated for elimination. Under such conditions it becomes unsafe to describe Japan's political institutions except in the past tense, the device followed in the discussion below. Their promotion to the present tense must await the day when Japan may again be master of her own house.

BACKGROUND OF JAPANESE GOVERNMENT

Western Political Influences in Japan.—Some observers are prone to look on Japan's pre-surrender political organization and procedures as a product of wholesale borrowing from the Western nations. In large part

that view is correct. In politics as in industry, commerce, and finance she imitated and borrowed the tools and techniques of a modern world whose imperialist ambitions threatened to run over the backward nations. In no other way could Japan have risen in ninety years from the half-light of her medieval status to dominate, even temporarily, all of East Asia and the Western Pacific.

Before adopting for their own use any part of the constitutions, legal systems, and governing procedures of the great Western powers, the Japanese skillfully modified them to suit their own needs and national customs. The result was a scheme of government in which the basic law or constitution was essentially Prussian in origin, the structure of the lawmaking bodies was patterned on those of Britain, and the system of local government was similar to that of France's Third Republic. Manhood suffrage, ministerial responsibility, a privy council, political parties, a bicameral parliament with an aristocratic upper house, the secret ballot, prefects and mayors, national law codes, a constitution, trial by jury, and administrative courts—all of these were features of modern Japanese government; yet none was indigenous to the country.

It must be repeated, however, that Japan's political borrowings underwent extensive adaptation in every instance, not only when they were first introduced on a trial-and-error basis, but at frequent intervals thereafter. Only those elements which were in harmony with basic Japanese concepts of organized group life—the family, the social group, the religious pattern, and above all the sacred institution of the Emperor—retained a firm foothold. And it is not beside the point that after a period of progression toward the liberal ideals of the democratic process, the swift reaction after 1930 swept away nearly all the gains, replacing them with stark authoritarianism as extreme as that of Japan's medieval days. From the standpoint of the source and possession of authority, little difference was evident between the political conditions of 1850 and 1944, except that at the latter date Japan's authority spoke on an imperial scale, whereas in the earlier days the Shogun's authority stopped at the coast line. Regression from liberalism to military authoritarianism is but part of the story. Each backward step brought with it closer conformity to the deep-seated Oriental complexes which the Japanese had never shed for a moment even while they overlaid their political organization with a Western veneer.

Such a transmutation of institutions is understandable enough, for institutions, like plants, grow best in the native environment in which they originally existed. It would be more remarkable if a Japanese statesman took, say, the British parliamentary system, which is the product of centuries

of experimentation and adaptation to the needs of an individualistic society, and imposed it wholly and successfully upon the authoritarian government of late nineteenth-century Japan. The Japanese people had shared none of that experience of testing, their society was of an entirely different pattern from that of Great Britain, and they had ended their feudal system only a score of years earlier. The superficial similarities between the Japanese government and those of the Western nations must therefore be tested in terms of the changes which occurred in the process of borrowing. To repeat, the Japanese utilized only those elements which could best be adapted to their needs and purposes, and then usually made changes which seemed to them to be desirable.

Early Tribal Government.—Traditionally, the Japanese Empire stemmed from ancient origins. The Japanese insist that it went back to 660 B.C. Foreign opinion, after careful research, holds that the first Emperor may have ruled from about 30 B.C. Japanese declare also that their present Emperor is a direct descendant of their first ruler in an unbroken line. However, outside Japan that claim is classed with mythology.

In its early history Japan was ruled by tribal chiefs. The mountainous topography of the country lent itself to the development of small, independent tribal states—each with an hereditary chieftain who ruled over his clan and who claimed to have descended from some deity of heaven or earth. Among the chieftain's duties was the principal one of supervising the sacrifices to this deity from whom all the members of the clan were likewise supposed to have descended. Beneath the clansmen there were groups of farmers, artisans, and slaves who were socially inferior because they lacked such ties of kinship.

When the clan chieftain who ruled the strategic neck of the island of Honshu, where the present-day cities of Kyoto and Osaka are located, extended his authority over the surrounding tribes, he fitted their chiefs into subordinate capacities within his government. He bolstered his own political position by arranging a hierarchy of deities to correspond to his governing hierarchy. He arranged his own ancestress, the great Sun Goddess, in the central position as the supreme Deity of Heaven and the ancestral gods of the chieftains whom he had conquered in the ranks of a lower order. Thus did the gods and men correspond, one to the other, in neatly serrated rows. In time the earthly ranks were broken. Jealous leaders of other powerful clans made the heir of the supreme deity a puppet in the course of the bitter political struggles which followed. The legendary basis of power, too, was challenged as the more sophisticated religious teachings of Confucius and

Buddha began to undermine the more primitive Shinto worship of ancestors upon which the loyalties of the clansmen rested.

Chinese Institutions.—Feeling that their old political institutions had at last outgrown their best usefulness, the clan chieftains looked abroad to China, with whom they were in the seventh century beginning to have some trade and communication, for devices which would bolster their faltering ones. There the powerful and prosperous T'ang Emperors governed a well-ordered state. The clan chieftain, who claimed descent from the highest deity but who had not succeeded in maintaining so stellar a dignity in Japan, now transplanted the Chinese institution of the emperorship to his island, created an imperial court and an imperial family system. This was a new and dazzling height of power which no longer relied principally on sacerdotal influences but, in the Chinese manner, upon bureaucratic and economic power as well. All of the land became the Emperor's land, all of the people his direct subjects. The clan chieftains were made important officials of the new Empire. Primitive tribal institutions were discarded for a highly centralized bureaucracy based, like the Chinese, upon a merit system.

Although the Japanese adopted the Chinese governmental forms, they did not imitate their neighbors across the sea blindly. In fitting Chinese institutions to the peculiar political, social, and economic conditions of Japan they changed them so significantly as to make impossible the functioning of these institutions in their original manner. In Japan the merit system of Chinese bureaucracy, which had made public office open to all who chose to take examinations on the Confucian classics, was revised in a Japanese way so as to permit only those members of a certain social status to take the examinations. This modification necessarily defeated the basic purpose of the merit system, and after a time the Japanese bureaucracy reverted to hereditary inefficiency once more. In the process ambitious members of lesser families were forced to seek their fortunes as military men in the provinces, thereby contributing to the breakdown of the central government and the rise of feudalism.

The form of the new administration persisted, however, from the seventh to the twelfth centuries. The civil bureaucracy came largely to consist of adherents of the Fujiwara clan, who, by inheritance, intrigue, intermarriage with the imperial house, and intimidation of the Emperors, became civil dictators of Japan. They permitted the Emperors to retain the exercise of their duties as high priests of their people, at the same time divesting them of all governing power. This they delegated to their own clansmen, who became a powerful civil aristocracy. The net result deprived

the theocratic Emperor of his sovereign power, which was taken over by the Fujiwara oligarchy.

Feudalism in Japan.—The Fujiwara clan had been content to possess control of the civil government of Japan, leaving military matters to subordinate clans. They were remarkably successful as rulers, until the families who had been satisfied with a mere monopoly of military offices became ambitious for civil political power. These military clans had secured for themselves and their tenants the fighting experience which the civilian Fujiwara lacked. They were therefore easily able to use force to supplant the Fujiwara in the position of highest power when in the twelfth century they determined to do so.

In their effort to secure political power the military clans were assisted by conditions in the country. Since imperial salaries were ordinarily paid in land, large tax-exempted estates had been built up among the aristocracy. As a result the central government's sources of revenue were reduced to such an extent that its governing machinery collapsed from malnutrition. Ultimately it became impossible to maintain order in the provinces. The responsibility for maintaining political power devolved upon the local landlords who established semi-independent feudal baronies and organized a soldiery, the samurai, for their own protection. In time the samurai became a distinct and privileged military class. They were used by the landlords to maintain the decentralized, feudal government which had been brought into existence.

There were some changes of emphasis in their system as a result of the political disorders and private wars which characterized it. Many of the members of the civil and military aristocracy were wiped out and an influx of new middle-class blood infiltrated to the top stratum of society. The status of the farming class was elevated somewhat as a result of the dependence of the feudal barons on the peasants for supplies and fighting men. Both domestic and foreign trade grew with the concessions which were granted to merchant guilds and new cities. In the sixteenth century Portuguese and Spanish traders and missionaries accentuated these trends by bringing firearms, general merchandise, and Christianity into Japan. They were followed in the early seventeenth century by Dutch and English traders. These developments marked the beginnings of the middle-class influence in Japan which was to grow in strength in succeeding centuries.

The Shogunate.—More immediately, however, a few feudal lords and warriors maintained and consolidated their power. The strongest of them restored the power of the central government when he forced the Emperor to create for him the office of Shogun (barbarian-quelling-generalissimo),

with supreme military power. As a result the government of Japan took on a militaristic character with the Shogun as its most powerful official. The imperial office was retained, as was the semblance of civil authority which had been exercised by the Fujiwara. Military and civil affairs were separated—the one controlled by the Shogun and the other by the Fujiwara clan. A civil bureaucracy composed of nobles of the Fujiwara family exercised sovereignty in the name of the Emperor in civil matters limited to education, custom, and etiquette. All military affairs and the maintenance of law and order were entrusted to the military dictator, the Shogun. This kind of dual arrangement was similar to the one which can be seen in modern Japanese government. The basis of sovereignty remained theocratic, as it had been earlier. The Emperor still officiated as the high priest of his people, though he had little other power.

The whole governing pattern resulted in the creation of two aristocracies, one civil and the other military, with the latter irregularly but steadily limiting the power of the former until it virtually controlled all state activities. Here was a fitting preview of the post-1930 period of political reaction. The military feudal hierarchy gained its final form and supremacy in the early seventeenth century when the Tokugawa clan secured control of the Shogunate—a control which they retained for more than two hundred and fifty years.

The Tokugawa Shogunate (1603–1868).—The foundations of the power of the Tokugawa clan were laid by Ieyasu Tokugawa when he seized control of the Shogunate in 1603. From that accession to power this remarkable family retained control of the Japanese government until 1868. During this long period the feudal instrument of Tokugawa power—the Shogunate—registered its most mature organization, its greatest stability, and its ultimate decline.

The political system of the Tokugawa Shogunate was organized and controlled on strict lines of social classes and overlordships, for it was a feudal arrangement. Theoretically the Emperor stood at the head of the state as the spiritual and temporal ruler. Actually he reigned ceremonially without governing, just as he had done for centuries. His position was still high and sacred, but it remained so only because its limited powers offered no real attraction to a successful military leader. The Emperor was relegated to the obscurity of his capital city of Kyoto where he was surrounded by a decadent and similarly powerless court nobility. It is noteworthy that this very impotence, this harmlessness which aroused no rivalries, accounts for the continuance of the family which provided the line of Emperors for Japan.

Actual power was in the hands of the Shogun, or rather in the institution which he headed, the Shogunate. Yet with meticulous attention to the propriety of preserving the dignity of the Emperor, this mighty military lord and ruler regularly sought and as invariably received his investiture from the Emperor and preserved the fiction of ruling in the Emperor's name. When the Tokugawa clan came into power it already possessed and largely ruled about one-fourth of the country's territory, including its important cities and seaports. When the clan head became Shogun, he established his capital at Yedo, the old name for Tokyo. In keeping with the Japanese pattern of family control he had a council of elders as the central agency of government. The council became so powerful in time that no Shogun dared hesitate to put into effect a decree upon which it decided. The councillors were members of the family who usually served for life and appointed their successors. They were assisted by a junior council from whom their successors were usually chosen. Thus even if the Emperor was a mere ornament in the government, the Shogun came to have a position of not much greater personal authority. This is an instance of what for want of a better name may be termed the figurehead system of government which is noticeable throughout the whole course of Japanese history and which is an outgrowth of Japanese social and political ideas. It is the kind of dualism which permeates Japanese institutional life.

Several steps were taken by the Tokugawas to insure the loyalty or control of the lesser feudal lords (*daimyo*). A feudal bureaucracy under the Shogun and his family councils was organized within the territories under direct Tokugawa clan control. Posts in this government were open only to lords and warriors who were the hereditary vassals of the Shogun. The remaining three fourths of Japan was divided among feudal lords who were willing to acknowledge the Tokugawa overlordship and other feudal lords who were related to the Tokugawas or their vassals. The estates of the more powerful members of the former were separated territorially by the interposition of the estates and domains of the latter and more loyal group, in order to help secure the Shogun against rebellion. Among the group whose rebellious tendencies had to be curbed, the powerful western clans of Satsuma, Choshu, Hizen, and Tosa were looked upon with more than usual suspicion by the Tokugawas. Consequently, to keep them and their warriors under control, the Tokugawa Shogunate not only excluded them from all posts in the administration but compelled the lords of these and outlying clans to live a part of each year in Tokyo, the seat of the government, and to leave their immediate families there throughout the entire year as hostages for their good behavior and continuing loyalty. Furthermore, these lords

were forbidden to make any agreements among themselves or to go near the Emperor and his court at Kyoto. They could engage in relations with foreign countries only with the permission of the central government. In return for submission to these conditions the Shogun refrained from meddling with the internal affairs of the various feudal states unless their peace was disturbed.

In theory all of the feudal lords (*daimyo*) were next to the Shogun in importance. They ruled the territorial subdivisions of Japan, supported in their power and position by the central government and by their warriors, the samurai. Yet again, the figurehead pattern was to be found in their fiefs, which with a few exceptions were ruled not by the lords personally but by groups of trusted retainers who held office hereditarily in their respective clans. By the time of the arrival of Commodore Perry in Japan the actual administration of practically all local affairs had passed into the hands of middle-class businessmen of the various clans.

Since the power of this governmental arrangement had rested from the beginning upon its military arm, the warrior class or samurai enjoyed a position of unusual privilege. The samurai were the defenders of the *status quo*. Other than being subject to call to defend the country itself as well as the interests of their chiefs, the samurai lived in idleness, supported by the farmers and townspeople who, in a society of rigidly drawn class lines, ranked at the bottom of the scale. After the Shogunate had consolidated its power and position to the point where its dependence on a fighting class was more nominal than real, the samurai became a highly favored but largely ornamental and parasitic social class.

Decline of the Shogunate.—With the passage of time the social and political system of this well-ordered state deteriorated. Although the Tokugawas did what they could to maintain intact the arrangement from which they had benefited so handsomely they were unable to do so. Shortly after the beginning of their Shogunate they went so far as to close off the country from almost all foreign intercourse, isolating Japan from contact with the outside world. Even this strong measure failed. The seclusion of Japan was accompanied by an internal and external peace which caused the Tokugawa Shoguns to relax their erstwhile firm military control of the country. The clans could not singly dispute the Tokugawa power so long as the possibility of their acting in concert against the government had been reduced to a minimum, and the time when Europeans would insist on their right to trade in Japan was slow in approaching.

Thus the unchallenged Shoguns turned to the pleasures of the palace. They neglected their military efficiency, while the strength of the rival clans

*The Japanese Imperial Rescript Declaring War On The
United States Of America And The British Empire,
December 8, 1941*

We, by the grace of heaven, Emperor of Japan, seated on the Throne of a line unbroken for ages eternal, enjoin upon ye, Our loyal and brave subjects:

We hereby declare war on the United States of America and the British Empire. The men and officers of Our Army and Navy shall do their utmost in prosecuting the war, Our public servants of various departments shall perform faithfully and diligently their appointed tasks, and all other subjects of Ours shall pursue their respective duties; the entire nation with a united will shall mobilize their total strength so that nothing will miscarry in the attainment of our war aims.

To insure the stability of East Asia and to contribute to world peace is the far-sighted policy which was formulated by Our Great Illustrious Imperial Grandsire¹ and Our Great Imperial Sire² succeeding Him and which We lay constantly to heart.

To cultivate friendship among nations and to enjoy prosperity in common with all nations has always been the guiding principle of Our Empire's foreign policy. It has been truly unavoidable and far from our wishes that Our Empire has now been brought to cross swords with America and Britain.

More than four years have passed since China, failing to comprehend the true intentions of Our Empire, and recklessly courting trouble, disturbed the peace of East Asia and compelled Our Empire to take up arms. . . .

Eager for the realization of their inordinate ambition to dominate the Orient, both America and Britain, giving support to the Chungking regime, have aggravated the disturbances in East Asia.

Moreover, these two Powers, inducing other countries to follow suit, increased military preparations on all sides of Our Empire to challenge us. . . .

Patiently have We waited and long have We endured in the hope that Our Government might retrieve the situation in peace, but Our adversaries, showing not the least spirit of conciliation, have unduly delayed a settlement; and in the meantime, they have intensified the economic and political pressure to compel thereby Our Empire to submission.

This trend of affairs would, if left unchecked, not only nullify Our Empire's efforts of many years for the sake of the stabilization of East Asia, but also endanger the very existence of Our nation. The situation being such as it is, Our Empire for its existence and self-defense has no other recourse but to appeal to arms and to crush every obstacle in its path.

The hallowed spirits of Our Imperial Ancestors guarding Us from above, We rely upon the loyalty and courage of Our subjects in Our confident expectation that the task bequeathed by Our Forefathers will be carried forward, and that the source of evil will be speedily eradicated and an enduring peace immutable established in East Asia, preserving thereby the glory of Our Empire.

Notes:

¹ Emperor Meiji (1867-1912).

² Emperor Yoshihito (1912-1926).

tended to increase. The Shoguns intentionally diverted the interests of the restless samurai to literary and cultural pursuits. The results of this policy were far different from what the Shoguns originally intended that they should have been. A revival of the old Shinto worship of ancestral deities occurred. The study of history was intensified with a resulting consciousness of the fact that the Emperor was the spiritual head of the nation whose temporal powers had been usurped by the Shogun. Two unexpected consequences of the revival of learning were the development of a new loyalty to the Emperor and the stimulation of the sentiment of nationality.

A noticeable break came in Japanese economy under the Shogunate when metallic money, brought surreptitiously from China first and later minted in Japan, began to replace the system of barter and the use of rice as a standard commodity of exchange. With the change, groups of rice merchants and money-changers, all recruited from the despised townspeople, achieved in time a new prominence and a financial stranglehold on the majority of the feudal lords and the warrior class. By 1850 it is estimated that the change had become so effective that about fifteen sixteenths of all the property of the feudal lords and their retainers was mortgaged to the newly prominent townspeople. At that date, also, the Tokugawa Shogunate was virtually bankrupt.

Class lines became blurred also as increased wealth placed the middle class in a position to demand power and recognition. Merchant families advanced their social status by such devices as having their sons adopted into samurai families and by marriage with the nobility. This interpenetration of the merchant and privileged classes and the consequent supplanting of one by the other had great importance in creating the slow revolution which culminated in the breakdown of the feudal government and the resumption of intercourse with foreign countries after two centuries of seclusion. Thus, internal change as well as external pressure led to the reopening of Japan.

Western Penetration of Japan and the Restoration of the Emperor.—The Tokugawa Shogunate had permitted only the Dutch and Chinese to trade continuously with the Japanese, and then in a most restricted manner. Both Russia and the United States made several attempts to open Japan in the nineteenth century, but the United States was the first country to succeed in entering into formal relations with Japan. The desire to develop on the Japanese Islands coal stations for American vessels in the China trade, the determination to obtain better treatment for shipwrecked sailors on the coast of those islands, and the desire to trade with the Japanese prompted the United States in 1853 to send Commodore Perry to secure these conces-

sions. The success of that move led the European states to present similar demands. Despite the popularity of the policy of seclusion in Japan, the Shogunate had to permit peaceful foreign intercourse as an alternative to threatening forceful intrusion which it was unprepared to withstand. The weakness which this policy revealed within the dual system of government contributed to the already growing demands within Japan for a restoration of legitimate authority under the Emperor.

A second influence for the restoration of imperial authority came from the alliance of the dissident western clans of Satsuma, Choshu, Hizen, and Tosa (the so-called Satcho-Hito combination). At first they had opposed the reopening of Japan, hoping to make the position of the Shogun more difficult. Then, after Western fleets attacked Choshu in 1864 and Satsuma in 1865, the antiforeign attitude of the clans was reversed. They were so impressed by the strength of these attacks that they decided to seek knowledge of the Western military powers. The uncertainties resulting from the vacillation of the western clans on this issue helped to undermine the position of the Shogun.

Finally, at an opportune moment in 1867 the lords of Satsuma, Choshu, Hizen, and Tosa allied themselves with the court nobles (*kuge*) of Kyoto and the great mercantile families to demand the abdication of the Shogun and the restoration of the Emperor's powers. Discontent with the existing government was so apparent that their demands were accepted by the Tokugawa ruler. Within a year the young Emperor Meiji was installed in the former Shogun's palace at Tokyo. However, the Tokugawa clan soon discovered that the real intention of those behind the restoration of the Emperor Meiji was not to set up a personal rule by the Emperor in the place of the rule of the Shogun, but to replace the Tokugawa as advisers to the Emperor. The followers of the former Shogun then took up arms in defense of their interests. The uprising was speedily overcome, the Tokugawa lands were confiscated, and the way was cleared for a new form of government.

JAPANESE POLITICAL PHILOSOPHY

A Basis of Comparison.—Just as it is necessary to comprehend the evolution of early Japanese government if the modern developments which derive from it are to be understood, so it is important at this point to consider briefly the principles underlying the Japanese conceptions of politics if any basis for the comparison of Western and Japanese institutions is to be achieved. Except for certain aberrations, it can be said that Western political thought tended to emphasize individualism, the equality of men

before the law, and the separation of church and state. On the other hand, Japanese political thinking has been derived largely from the influence of three religions—Shinto, Buddhism, and Confucianism. In consequence, it held the community as of greater importance than the individual. It stressed the idea of the inequality of human beings and the interdependence of religion and politics.

Regimentation of the Individual.—Society as a whole is more important to the Japanese than is the individual. European civilization, since the Renaissance and Reformation, has laid emphasis upon the development of individualism in the fields of knowledge, the arts, religion, economics, and politics, and has placed high value upon the resulting differentiations. Japanese culture, on the other hand, has adhered to an integrated development in which individualism is subordinated. This integration is observable in family life where the individual is primarily a member of a group and only secondarily a person in his own right. In the economic life of Japan businesses are likely to be group or family enterprises in which the individual shares but does not possess control. In politics this concept carries the idea that political parties are distasteful for the reason that they stand for ideological division and disunity. In short, the tendency of Japanese psychology is to subordinate the individual and to exalt the group.

Inequality among Men.—Japanese political thought, as already stated, begins with the postulate of human inequality—the direct reverse of the Western democratic concept of human equality. Inequality, the product of inheritance, is a basic tenet of the Shinto faith. With the Emperor reposing in solitary glory as the most direct descendant of the Sun Goddess, all others find their particular niche in the social group according to the nobility of their individual blood-streams. Even those on the lowest rung of the ladder are rated as descendants of some one of the ancient gods. Confucianism, likewise espousing the theory of human inequality, rearranges the brackets according to the inherent virtues of the individual. Buddhism in turn insists that the inequalities represent rewards or punishments for behavior in some previous incarnation. In their net effect these variations in religious dogma are unimportant since there is complete agreement on the theory of inequality and the divine inheritance of all ranks and degrees of Japanese. The latter is a vital factor in the inculcation of a feeling of superiority over all other peoples. And it plays no small part in the fanaticism of the Japanese soldier, trained to die but never to surrender.

Alliance of Government and Religion.—The state and religion are interdependent in Japan; they have never been separated. From its origin

as a primitive nature worship, Shinto has become an integral part of present Japanese nationalism, and is, in fact, the central element of the national spirit. It begins with the worship of the Sun Goddess, the supreme deity from whom the Emperors are supposed to have descended, and includes a great diversity of lesser gods and venerated ancestors. The Emperor is the high priest of the faith, and his administrative assistants supervise its observance. Only recently the Japanese government ordered the erection of new shrines on the Asiatic mainland and in other recently conquered territories in honor of the Sun Goddess and the spirit of the Emperor Meiji, the grandfather of the present sovereign. Since 1937 all Japanese, regardless of their religious faith, have been required by government decree to go through the motions of worship at the Shinto shrines. The obvious objective is national unity, at least as to formal observances. The functional value of Shinto is to symbolize an eternal state with an original politico-religious national unity. It is the chief ground for the belief in the one-tribe origin of the nation, all of whose members descended from a common ancestor. It is the basis of a spiritual mobilization program that is carried in a thousand ways to the length and breadth of the Empire, a basis of unity and authority in human affairs. It is the deification of the political might of the present military state.

To Shinto is added Confucianism with its belief that the affairs of men are a part of the universal order of things and must be regulated in harmony with the "will of heaven." The governors of the people are of superior virtue and hence are accorded authority. Buddhism also contributes to the union of church and state and has been consistently looked upon as an instrument of government in Japan. The Emperor is regarded as the manifestation of the universal Buddha spirit in that he is above all mundane concerns. Official sanction is given to the building of temples and the conduct of ceremonies in honor of the various Buddhas in order that their spiritual powers will defend Japan and her people from all natural calamities, such as famine, earthquake, and war.

Superiority of Rulers to Law.—The Western concept that in "a government of laws and not of men" lies the protection of the rights of the people is controverted by Japanese philosophy. In Japan a government of men is superior to a government of laws. In this view, an individual who insists on his own rights under law tends thereby to destroy the unity of the society which should be regarded and regulated as a whole. Laws which establish the rights of persons destroy the unity of society. On the other hand, the superior virtue of rulers and officials places them above the law. The law is simply an expression of the opinion of certain rulers at

a given time concerning a specific subject. It is rigid and inflexible. However, the official, being a man of superior virtue, has a conscience which is a far better guide than the written law, because his conscience is not bound by time and place as is the law. Therefore justice can best be served by an official's interpretation of the law, even if he disobeys it. In the direction of the state, the governing class is more important than the law, the men more than the theory. It is the officials, the ruling group, who really make the state.

Patriarchy in Government.—Finally, the Japanese hold that the patriarchal family pattern is the ideal form of state. In such an arrangement their whole philosophy may be summed up: the individual of the family subordinates his life to the good of the whole; the members of the family are of unequal status according to sex, age, prestige, and degree of kinship to the head of the clan; the family is of ancient, divine origin; and, finally, the elders of the family will exercise their wisdom and virtue for the benefit of all in correct proportions. Time and again in Japanese political writings the state is described simply as a gigantic patriarchal family with the Emperor at its head.

The Emperor is the Shinto high priest and father, the head of the family of which all Japanese are blood members, each with a place derived from his ancient ancestry. That the Japanese people are the obedient and loving children of their fathers and ultimately of the Emperor is the fundamental doctrine of the "Imperial Way" (*Kodo*). The "Imperial Way" both focuses and sums up Japanese political philosophy.

Influence of Japanese Political Ideas.—There are many unfortunate qualities in the Japanese political beliefs. The Shinto emphasis on ancestry in particular has repeatedly contributed to a concentration of privileges in the hands of a closed aristocracy which grew progressively corrupt until, time and again, it destroyed itself. Insistence on unity has led to a long history of regimentation of the Japanese people. Perhaps the most baleful results have come from the idea of government by men rather than government by law, for this has robbed the common man of any protection from tyranny.

Western Political Ideas in Japan.—After Japan was opened to Western commerce, Western political ideas came to be taken up by many Japanese. Soon the liberal intellectuals who traveled in the West were talking glibly about liberty, equality, and fraternity; the social contract theory, the separation of powers, and *laissez-faire*. The demands for some form of representative, constitutional government became so vehement that the ruling clique considered it wise to have the Emperor issue an imperial decree in

1881, promising the establishment of a parliamentary system. The promise was fulfilled in a peculiarly Japanese way, as will presently be described. Later other Western political ideas have had a vogue in Japan, even socialism and communism, but they have been countered by strong popular reaction. After 1931 Japan moved rapidly in the direction of a native type of Fascism and economic nationalism which found expression in the dictatorship of a military oligarchy.

TRANSITION TO CONSTITUTIONAL GOVERNMENT, 1867—1889

Early Government of the Restored Emperor.—Since no single clan of the coalition which had terminated the Tokugawa Shogunate was sufficiently powerful to create a new and stable government, the mantle of authority was draped about the Emperor once more. Having no inherent right of their own to demand the support of the people, the new leaders who controlled the Emperor took advantage of the emotional reverence for him, and turned it into a revived cult of Emperor-worship. In order to allay the suspicions of agitators for governmental reform, the leaders of the restoration movement had the Emperor issue a Charter Oath in June, 1868, which promised the establishment of a national assembly. The full fruition of that promise, however, was not to appear for another generation. During the first years of the Meiji regime one temporary administration followed another with bewildering rapidity. All were characterized by the nominal leadership of imperial princes, court nobles, and great feudal lords. But the real leadership, which was largely concentrated in the hands of samurai from the four powerful western clans, operated behind this façade of great names in the offices of advisers and councillors. Also, a pretense of consulting public opinion was maintained by the establishment of a sort of national assembly to which delegates were sent from the various feudal fiefs, and later, when these were abolished, from local governmental units. None of these assemblies had any actual power.

Abolition of Japanese Feudalism, 1871.—The entire feudal system was abolished in 1871 by an imperial rescript which transferred the ownership of land from the feudal lords to the Emperor. A uniform system of taxation was established, based on the value, not on the produce of the land. Class privileges were also abolished and the warrior class which had formerly disdained engaging in business began to do so. For the first time all Japanese were made equal before the law. This step, however, did not imply the erasing of class distinctions. In return for the promise of posts

of authority in the new government, most of the feudal lords had assented to the transfer of the land to the sovereign before it was officially decreed. Further support of the government was assured from the feudal lords when it promised to compensate them for their land. Hence, the feudal lords and the court nobility were given a superior position and hereditary titles in the European fashion, such as *marquis*, *count*, and *baron*.

Origin of Constitutional Government.—Objection to the corruption of the restoration officials and the special position given to the aristocracy created a good deal of criticism and a demand for the introduction of a parliamentary system. To meet the demand, the Emperor promised in 1881 that a constitution would be granted and an elective parliament established as soon as a thorough study of the country's political needs and capacities could be completed. Meantime, the councils in the districts, cities, and villages were placed on an elective basis. In the following year a national political party was established, while Hirobumi Ito (later Prince Ito and one of the outstanding statesmen of the period) went to America and Europe to study Western constitutions and administrative practices.

Prince Ito returned to Japan deeply impressed with the Prussian Constitution and convinced that some such form of autocratic government was desirable for Japan. In 1885 a Cabinet was established with Ito as Premier, the ministers of which were declared to be directly responsible to the Emperor alone. The Premier's powers were modelled after those of the German chancellorship. A civil service was inaugurated, and, in 1887, a Supreme War Council was established to advise the Emperor on matters affecting the fighting forces.

In the meantime, Prince Ito was assigned the task of drafting a modern constitution for Japan. This he did with the aid of only two secretaries. However, to assure the acceptance of this Japanese Constitution as drafted, all newspaper criticism of the government was forbidden, and secret societies and assemblies were suppressed. A Privy Council was created by the Emperor in 1888 to consider the document. Prince Ito was appointed President of the Privy Council. After the Council had considered and approved the Constitution in secret session, it was promulgated by imperial decree, on February 11, 1889, along with the five supplementary imperial ordinances: the Imperial House Law, the Ordinance concerning the House of Peers, the Law of the Houses of the Diet, the Law of the Election, and the Law of Finances. Taken all together, these comprise the fundamental law of Japan.

No opportunity for public discussion was given to the people before the Constitution was issued to them, nor was any popular ratification sought.

Premier Ito, in a twisted imitation of the work of the authors of *The Federalist*, which explained to the American public the ideas of their Constitution before they voted upon it, did issue with his Japanese Constitution an elaborate, authoritative commentary explaining its various provisions. The Constitution, however, was promulgated as a gift of the Emperor to his people and has been interpreted as such ever since. The contrast between its birth and that of the British and American Constitutions, both of which owe their origin and subsequent development to the people's will, is significant.

THE CONSTITUTION OF 1889

Basis of Japanese Constitutional Government.—The creation of a new fundamental law in Japan in 1889 was a natural development, largely attributable to the acceptance of the idea that a backward Japan, forced into intercourse with modern nations, must modernize in turn to assure her survival in an imperialistic world. The Constitution, therefore, represents a compromise between the many conflicts of conditions and opinions which Japan faced after the abrupt termination of her long isolation from the outside world. On the one hand, the majority of Japan's leaders, the men charged with the responsibility of creating a viable and durable pattern of government, had been brought up under the feudal conditions of the Shogunate. On the other hand, a minority of broad-visioned statesmen saw the need of winning the active and intelligent support of the masses of the people through their active participation in governmental affairs, if the rival ambitions of the former feudal lords were to be prevented from effecting Japan's disintegration. Both groups united in the determination to convince the Western world that the Japanese were a modern, enlightened people—strong enough to prevent economic and military penetration of their islands and entitled to equality of treatment.

The Nature of the Constitution.—Despite its Western origins, the Japanese Constitution became something different from its original models. It has functioned in an Oriental atmosphere and has been accepted as an organic development in the tradition of an Oriental people. Its principal author and his advisers were men who thought in terms of Japanese political philosophy, who chose the phrases of Western statutes which suited their purposes, and who interpreted the words they wrote in keeping with their beliefs. The Japanese Constitution thus became a document embodying older Japanese political principles under a cloak of representative institutions, largely disregarded in themselves.

The Constitution itself was concisely worded and brief. In addition to

a preamble it contained only seventy-six articles, arranged in seven chapters. Five integral imperial ordinances implemented the framework so as to create a fairly elaborate basis of government. The resultant pattern was a highly centralized monarchy with an hereditary Emperor and numerous official advisers. The national administration was managed by a Premier and his Cabinet of ministers, all of whom were responsible to the sovereign. A national legislature, or Imperial Diet, of two houses was provided—the one an elected House of Representatives and the other an aristocratic House of Peers. A national system of courts rounded out the tripartite distribution of general powers—executive, legislative, and judicial—each set off distinctly from the other, with functions and authority assigned to each. Under the Constitution each separate branch of the government functioned only in the name of the Emperor, whose office was the constitutional repository of all sovereign power.

Constitutional Amendment.—Since the Constitution was the declared gift of the Emperor to his people he alone could initiate an amendment. That instrument provided that an imperial proposal, to become effective, must receive a vote of approval of two-thirds of the members of both legislative houses. As a matter of fact, not a single amendment was ever added to the Japanese Constitution.

However, the Constitution was altered and developed by interpretation, by statute, and by usage. Often it was enlarged by the simple process of disregarding it in the enactment of new laws which went beyond the words and presumptive intent of the Constitution. This was a perfectly safe procedure since no court in Japan could declare any law unconstitutional if it had been enacted by the national legislature and had received the Emperor's assent. The Japanese therefore seldom debated constitutionality in projecting changes but moved blithely along on the principle that, since the Throne was the source of the Constitution, any law to which the Emperor gave his assent must be within the bounds of constitutionality. And in any event the Japanese Constitution was couched in such general terms that within very broad limits its development and modification by statute was infrequent.

EVOLUTION OF CONSTITUTIONAL GOVERNMENT

Early Trends in Japanese Constitutional Government.—Japan's political history under the Constitution of 1889 can be divided into four distinct phases, each of which is characterized by a particular pattern of national leadership. Over the period of years since the Western forms of government were adopted, the Japanese nation has been dominated in successor

by her elder statesmen, political party leaders, militarists, and, since 1945, her conquerors. Although the Constitution itself has remained untouched, the functional characteristics of the government have varied widely in each period of different leadership.

From 1889 to 1918 Japan's elder statesmen held the principal seats of power. These were the progressive leaders of the late feudal period who had the vision to insist on Japanese adoption of Western ideas of government, Western social and economic patterns. These were the men who directed Japan's policies during her transition from a medieval monarchy to a modern state. They had seen to it that Japan adopted Western democratic forms, and they had retained control of the nation under the new Constitution. Never really liberal or democratic in their feeling, the elder statesmen maintained a preponderantly reactionary and aristocratic point of view as advisers to the Emperor.

Political Parties in Power.—The victory of Japan and her Allies in World War I gave such impetus to the process of democratization in the world that the dominant elder statesmen could not wholly withstand its force. Japanese veneration for age and ancestry did not permit the exclusion of the former leaders from all influence. At the same time the new enthusiasm for democratic expression gave the political parties their chief influence during the decade of the twenties. Naturally the new leadership expressed itself most clearly by increasing the power and prestige of the House of Representatives during the period of its power. The mark of the party leaders' strength was their ability to control the Cabinet.

Unfortunately party government in Japan, very like that in France, never fully matured. Japanese parties were built around the personality and influence of individual leaders, rather than around meaningful principles and party platforms. Their dependence on big business corporations for financial support and their corrupt election practices undermined public confidence in them. The two most prominent political parties prior to their dissolution were probably successful largely because each was backed by the economic interests of a powerful Japanese family corporation: the *Seiyūkai* Party by the financially powerful Mitsui family and the *Minseitō* Party by the Mitsubishi interests. Together these two families controlled a major portion of the business life of Japan. With such powerful financial backing and with the election expenditures of a candidate for the House of Representatives reaching fifty times the amount of the annual salary for the office, the public could no longer be misled as to the real issues at stake. Corruption in and out of office became so much identified with party politics in Japanese life that it was easy for the mili-

tary opposition to use, as a premise for all their claims, the viciousness of Japanese politicians as a class.

The prestige of the political parties was further weakened by the fact that just at a time when a constructive program was most urgently needed, they failed to present any real solutions of the critical national problems facing Japan. On the contrary, the military leaders insisted that a policy of expansion on the Asiatic continent would solve Japan's most vital problems, and their proposals fired the imagination of the Japanese people.

The Rise of the Militarists.—By the beginning of the decade of the nineteen thirties the weakness, quarrelling, and corruption of the party politicians had largely discredited party control of the government. At the same time radical young elements in the Japanese Army, supported in varying degrees by like-minded Navy men and fascist-minded civilian groups, launched in 1930 a campaign of pamphleteering and oratory, assassination and violence which sealed the death warrant of any political leader who opposed their militaristic program. As the parties lost strength liberal Japanese made desperate efforts to rehabilitate and maintain them as vehicles of popular expression. They organized a Social Mass Party which was wholly disassociated from the corruptive influences of the older parties. Their effort came too late. The party suffered from the militarists' charge that its views represented "dangerous thought"—anathema to the Japanese.

In reality the militarists began to control the national government when they launched the attack on Manchuria in 1931. From that event their influence was preponderant, and even though it may have fluctuated slightly from time to time, it has remained so ever since. The high tides of military victory and the moments of international crisis which marked much of the period since then have been utilized by the dominant military clique to promote the national unity needed to further ambitious programs—aimed at undisputed rule over the Western Pacific area and Eastern Asia. Setbacks and periods of quiescence in the development of that program have afforded only occasional opportunities for opposition elements to resist the militaristic leaders of the nation.

Foreign Control of Japan.—With the capitulation of Japan to the armed forces of the United States, the U.S.S.R., Great Britain, and China on August 14, 1945, a new era in Japanese government began. General Douglas MacArthur, Supreme Allied Commander in the Pacific, took charge of the administration of the nation's affairs. Under the directive prepared by the United States government, he began the reconstruction

of the Japanese nation by abolishing its military institutions, reorganizing its economy, and encouraging the development of democratic institutions. In this process the institution of the Emperor was preserved, at least initially; on the other hand, the Supreme Commander has insisted that no advice could be received by the Emperor contrary to the Supreme Commander's wishes.

Steps have been taken by the United States, the U.S.S.R., Great Britain, and China looking to the creation of a Far Eastern Council, with representatives of those governments participating in the military government of Japan. The armed forces of each of these Allied nations are occupying portions of former Japanese imperial territory.

EXECUTIVE ORGANIZATION

The Imperial Dynasty.—Emperor Hirohito, Imperial Son of Heaven of Great Japan, succeeded to the imperial throne upon the death of his father, the Emperor Yoshihito, December 25, 1926. According to the Japanese claim, he is the 124th Emperor and a lineal descendant of the founder of the imperial dynasty, Jimmu Tenno. No other royal family can boast anything comparable in continuity. Succession is limited to male descendants of the line by the rule of primogeniture. Since no female can inherit the throne, Emperors who have had no sons have kept the male succession "unbroken" by adopting sons or by obtaining male heirs through the recognized concubinage system. The tradition of an ancient line explains in part the high degree of veneration in which the Emperor is held by all his subjects. With the roots of the imperial family tree not only permeating the soil of all feudal Japan but penetrating deeply into the underlying ancient stratum of social organization, the Japanese people inevitably bow before an august concept.

The Divine Emperor.—The Emperor, in both his person and his office, enjoys a religious significance already mentioned. The Shinto faith proclaims him to be the descendant and representative on earth of the greatest deities of heaven, the high priest of his people, their intercessor before the gods, and the head of the family of which all Japanese are members. Because of the grant of religious freedom in the Constitution the government took steps to establish a distinction between sectarian and state Shinto. As a result, when sectarian Shintoists attend a shrine they perform an act of worship. But, when those of other faiths pay periodically required visits to the shrines, they perform an act of patriotism. The result has in the past been a positive impetus to national unity since it permitted all Japanese to participate in Shinto rites honoring the Emperors.

The Buddhists consider the Emperor a descendant of the supreme Buddha, who manifested himself in Japan as the Great Sun Goddess. He is therefore an incarnation of the eternal and universal Buddha spirit. Confucianism teaches that the Emperor is the repository of benevolence, righteousness, and justice. He has supreme virtue, is the moral guardian and guide of his people. In his religious personality, therefore, the Emperor personifies the most revered qualities in Japanese life.

The military leaders of modern Japan carefully encouraged the ideas of the sacredness and inviolability of the Emperor. By so doing they strengthened their own position in the eyes of the Japanese people and won support for whatever policy they advocated, for they always maintained that such a policy was carried out in the name of and for the benefit of the Emperor.

Political Powers of the Emperor.—The Japanese, somewhat like the British, made a distinction between the powers of the ruler and the powers of his office which were exercised by his titular subordinates. According to the Constitution the Emperor of Japan is the head of the Empire possessing in himself the rights of sovereignty outlined in the Constitution. As previously pointed out, all executive, legislative, and judicial powers were exercised by the Emperor in a general constitutional sense. In addition he enjoyed specifically enumerated constitutional prerogatives, among them the power to convoke, open, close, and prorogue the Imperial Diet, and to dissolve its House of Representatives. He issued imperial ordinances having the effect of law and only in certain instances requiring the approval of the Imperial Diet and the Privy Council. He had an absolute veto on all laws. The organization of the branches of the administration of the government, the salaries, appointments, and dismissal of almost all civil and military officials were within his powers. He was Commander-in-Chief of the Army and Navy. He could declare war, make peace, conclude treaties, or decree a state of martial law. The granting of titles of nobility and other honors, the proclamation of amnesties and commutations of sentences were likewise among his specific prerogatives. He had unlimited power to appoint and remove judges.

The important fact is not that these sovereign attributes were constitutionally the Emperor's, but that the Emperor never acted on any of them except upon the recommendation of the oligarchy which "advised" him. The Emperor was not expected to manifest a will of his own, except insofar as he might persuade his advisers to alter whatever advice they had originally contemplated. According to the Japanese theory of government, the Emperor delegated his authority to his ministers and they and their

subordinates carried out their administrative duties on his behalf. Hence the responsibility for every executive act rested not on the Emperor but on the person appointed to perform it.

Such power as the Emperor actually possessed was derived from two sources. In the first place, he normally received advice from so many sources that his resultant perspective qualified him to influence to some degree the formulation of policy. Whereas the British King is advised by a single Cabinet, the Emperor of Japan took advice from the Cabinet, the Privy Council, the Imperial Diet, the supreme military command, elder statesmen, and the Imperial Household Ministry. He was free to accept only the advice agreed to by the dominant element in the government, but by occasionally playing one group against another he might influence policy to some degree. A striking exception to that rule was the apparent initiative taken by the Emperor in the successive moves to effect Japan's final surrender to the Allied Nations. To attain that end, he had to override the military extremists who insisted on resistance to the finish. Since there had to be some measure of agreement between advising groups before imperial policy could be formulated, the emperorship made for stability in government. In the second place, he derived some power from his influence with the people, their reverence for and their worship of him.

Since the capitulation of Japan, the Emperor must accept and act upon the advice of the Supreme Allied Commander in Japan. In effect, therefore, the Emperor has the task of implementing the orders of General MacArthur through the utilization of domestic institutions surrounding the throne and of domestic political forces which are becoming articulate.

The Imperial Family Council.—All members of the imperial family are subject to the control of the Emperor, acting through the Imperial Family Council. This body is composed of all of the princes of the imperial family who have reached maturity, and is presided over by the Emperor. The Council deals with the imperial court and with family business interests. In addition to receiving the equivalent of a million and a half dollars annually from the government, it formerly controlled a huge income from family investments.¹

The Imperial Household Ministry.—The Lord Keeper of the Privy Seal and the Minister of the Imperial Household were two of the Emperor's closest advisers. The former authenticated imperial ordinances and laws with the imperial and state seals. The latter had charge of the ad-

¹ By direction of the Supreme Allied Commander the private wealth of the imperial family was impounded for disposition under the terms of the treaty to be imposed on Japan.

ministration of family affairs. Both were appointed by the Emperor on the nomination of the Premier for an indefinite, usually permanent, term of office.

The *Genro* or Council of Elder Statesmen.—This group of elder statesmen disappeared with the death in 1940 of Prince Saionji, its last surviving member. Although the *Genro* is not mentioned in the Constitution or any law, its experienced and trusted members met privately for years and quietly decided momentous affairs of state. Working behind the whole legal framework of Japanese government, they ruled Japan. For the most part they upheld autocratic government against the advance of democratic, representative institutions. In spite of the disappearance of the old *Genro*, the theory that the advice of venerable statesmen should be sought on important matters of state still prevails. Even recent Japanese governments continued to consult a body of elder statesmen, including former Premiers and Army and Navy officers of high rank.

The Privy Council.—Originally established to approve the Constitution of 1889, the Privy Council was a consultative body designed to deliberate on important matters of state and to give advice to the Emperor. It consisted of twenty-six members appointed by the Emperor for life on the advice of the Premier and the Council's president, plus Cabinet members *ex officio*. Its history until recent years is that of a reactionary body of veteran bureaucrats opposing and retarding the growth of parliamentary principles. For many years it was able to impose its will in the selection of important officials. All important legislation touching constitutional and administrative law, as well as treaties, was referred to the Council for consideration. Moreover, its interpretations of the Constitution in disputes between different government agencies were final.

The Imperial Conference.—Meeting infrequently in normal times, this body of advisers to the Emperor was made up of elder statesmen, the Premier, the chief of military advisers, the Lord Keeper of the Privy Seal, and other influential officials. It was a policy-making body, convened only at times of crisis.

The Premier.—On the basis of the power which he exercised, the Japanese Premier became in time the most important person in the national government. He was appointed by the Emperor after consultation with the Minister of the Imperial Household, the Lord Keeper of the Privy Seal, the President of the Privy Council, and the elder statesmen. In turn the Premier selected the members of his Cabinet, and they were appointed by the Emperor.

The Premier's principal duties were the supervision of the Cabinet's

activities and advice to the sovereign on all matters of interest to the Cabinet. He represented the Cabinet to the Emperor. The Premier could order the suspension of any administrative function pending a decision by the Emperor. Appointments of officials of the second highest rank were made by the Premier. In addition, he directed the Tokyo police and important local officials.

With Japan's participation in World War II, the Premier strengthened his power over the Cabinet and the national administration. The wartime Premiers² generally held several of the most important portfolios personally. The national legislature accepted an Extraordinary Wartime Authority to Act measure after its introduction in January, 1943. This legislation gave the Premier direction, whenever he deemed it necessary, over the expansion of production of key war materials, and authority to execute the duties of any state minister on matters concerning labor, material, motive power, and capital. A Cabinet Advisory Council and a Wartime Economic Council were established to assist the Premier in the effective implementation of this new legislation. These overriding powers placed the Premier in a position to dominate the government.

The Cabinet.—The Japanese Constitution, like the American, makes no provision for a cabinet. It does, however, state that the respective Ministers of State shall give their advice to the Emperor and be responsible to him for it. This provision, and the fact that the organization of Japan's first Cabinet antedated the Constitution by four years, resulted in the continuation of the executive branch of the government. Moreover, the functions of the Cabinet were defined by an imperial ordinance a few months after the Constitution was promulgated.

The Cabinet consisted of a Premier and twelve ministers of executive departments covering the usual activities of a modern government. From the reorganization of the Cabinet in August, 1945, after the defeat of Japan, the Cabinet consisted of the following twelve departments: War, Navy, Foreign Affairs, Munitions, Home Affairs, Finance, Justice, Edu-

² The following is a list of Premiers in recent years. Because of the frequent national crises which Japan has experienced since 1937 the changes have been more rapid than usual.
Prince Fumimaro Konoye (First Cabinet): June 4, 1937-Jan. 4, 1939.
Baron Kuchiro Hiranuma: Jan. 5, 1939-Aug. 28, 1939.
General Nobuyuki Abe: Aug. 28, 1939-Jan. 14, 1940.
Admiral Mitsumasa Yonai: Jan. 15, 1940-July 16, 1940.
Prince Konoye (Second Cabinet): July 18, 1940-July 16, 1941.
Prince Konoye (Third Cabinet): July 18, 1941-October 16, 1941.
General Hideki Tojo: October 18, 1941-July 18, 1944.
General Kuniaki Koiso: July 18, 1944-April 5, 1945.
Admiral Baron Kantaro Suzuki: April 5, 1945-August 14, 1945.
General Prince Naruhiko Higashi-Kuni: August 16, 1945-October 6, 1945.
Baron Kijuro Shidehara: October 7, 1945-.

cation and Welfare, Agriculture and Commerce, Transportation, Information, and Legislative Bureau. Certain important officials, such as the President of the Cabinet's Board of Information, were Ministers without Portfolio. All Cabinet ministers were appointed by the Emperor on the advice of the Premier.

An exceptional procedure entered into the selection of the Ministers of War and Navy. Although they were selected by the Premier, only active generals or lieutenant-generals, admirals or vice-admirals were eligible for these posts. Moreover, no officer in either of the services would accept appointment unless he felt that he had the confidence of his service colleagues. Since no Cabinet could exist without ministers for the armed forces, the dominant officers in the services could and have controlled the formation of Cabinets and their continuance in office by the simple procedure of agreeing to withhold support from a Cabinet. In addition, the Ministers of War and Navy, as well as other top-ranking military officials, enjoyed the privilege of direct access to the Emperor on the most important military matters, ignoring the Cabinet and Premier when it was to their advantage to do so. Other Cabinet ministers could only advise the Emperor as a group through the Premier. This special position of the service ministers and their consequent independence of action often nullified the decisions of other ministries and embarrassed the Cabinet as a whole.

Despite this important limitation the Cabinet remained the central administrative and policy-determining body. Its advice to the Emperor was therefore decisive in normal times. In consequence, control of the Cabinet had signaled control of the government. As a result, aristocrats, businessmen, bureaucrats, and militarists have fought for the domination of that body.

The Cabinet was relatively free from popular controls since its members were primarily responsible to the Emperor and only secondarily to the elective branch of the national legislature, the House of Representatives. In theory each minister was responsible to the Emperor, but usually the Cabinet assumed a united responsibility under the leadership of the Premier. If the legislative branch was critical of national policy, the Premier could request its dissolution by the Emperor without harm to the standing of the cabinet. Cabinets rarely fell for lack of legislative confidence. More often they were overthrown because of such reasons as the resignation of the military or naval ministers, criticism in the House of Peers or the Privy Council, public criticism or violence, or on occasion because of the assassination of Premiers or ministers. In recent years, as

already shown, military defeat became an added cause of mortality for Japanese ministries.

The limitations of the Cabinet were important for several types of policy-making remained outside its purview. Military and naval affairs were separately controlled; most laws and the annual budget required the assent of the Imperial Diet; treaties and various types of ordinances had to be approved by the Privy Council; major decisions of long-term national policy were formulated by special Imperial Conferences; and finally, the advice of elder statesmen might be decisive in case of a change of Cabinet or disagreement within it. Because of these exceptions to Cabinet control, the Japanese Cabinet was weaker than its British counterpart. To be successful it had to retain to some degree the confidence of the military leaders, the career civil service, the Privy Council, the elder statesmen, and the Imperial Diet.

Ministry of Greater East Asia Affairs.—The war in the Pacific necessitated numerous changes in the administrative structure of the Japanese Cabinet and its subordinate agencies. Prominent among these was the creation of the Ministry of Greater East Asia Affairs in October, 1942, and the extensive reorganization which it entailed. The two factors which contributed most to the establishment of the new ministry were the administrative problems which were a result of Japan's rapid advance to the South Pacific and the desire of the Army and Navy leaders to control the economic exploitation of the newly conquered areas. Army leaders had such a firm control of the ministry that it was considered practically a division of the War Ministry.

The new ministry had full administrative jurisdiction over all business affairs in the Japanese Empire, except in Japan, Korea, Formosa, and Karafuto. The functions of the ministry included Manchurian, Chinese, and South Pacific affairs, a general supervisory bureau, and a bureau for Asiatic trade. The Ministry of Foreign Affairs, which formerly opposed the proposal of the military politicians, was practically excluded from participating in Greater East Asia Affairs. Its only remaining function in the area was the supervision of diplomats and consuls.

After the defeat of Japan in 1945, the Ministry of Greater East Asia Affairs was dissolved, and what remained of its activities was absorbed by the Ministry of Foreign Affairs.

Ministry of Munitions.—As the fortunes of war became less favorable for Japan, and as a lack of integration between the government and Japanese big business developed to serious proportions, further governmental reorganization became necessary. A Cabinet Planning Board had been

established in 1937 to assume responsibility for the expansion and mobilization of Japan's national strength in the war with China. It drafted plans for Japan's mobilization and presented them to the Cabinet for its consideration. To coordinate the Cabinet Planning Board's plans with the various governmental ministries, Control Associations were established by the end of 1941 for each important industry. These Control Associations were under the supervision of the Ministry of Commerce and Industry and were directed by the former heads of the leading cartels of big business houses. The program schedules of production in Japan proper, in colonial territories and in occupied territories were first drawn up by the Cabinet Planning Board and after their approval by the Cabinet were transmitted to the Control Associations. However, the demands of the war for increased production resulted in competition among the various Control Associations for raw materials and other supplies. Consequently, far more complete and drastic control measures had to be inaugurated by the government at the insistence of Army leaders. The result was that the complete and direct military control of all phases of Japanese government and business activity was finally achieved in the autumn of 1943 through the establishment of a Ministry of Munitions and the inauguration of widespread administrative changes within the government.

The Munitions Ministry was established as the chief organ of administration for the production of essential war materials. The Cabinet Planning Board was abolished and the General Mobilization Bureau of the Munitions Ministry took over its functions. The new ministry likewise was responsible for the functions formerly carried out by the Control Associations. In short, the purpose of the Munitions Ministry was to give the military leaders of the government direct control over all activities of industry to increase production of war materials.

With the inauguration of the Munitions Ministry, the militarists in the government were able to enforce a policy of total mobilization and to eliminate the dissension which was present during the period of the Cabinet Planning Board and Control Associations. In the waning months of the war, the attempt was made to decentralize control of the Munitions Ministry through its regional offices. After the defeat of Japan, the Munitions Ministry was disbanded, and the Ministry of Commerce and Industry was organized to take over those functions of the Munitions Ministry which remained.

Other Cabinet Agencies.—Several important organizations functioned in liaison with, or under the direction of, the Cabinet. The Cabinet Secretariat administered archives, correspondence, and clerical services for the

Cabinet under the direction of the Premier. A Cabinet Board of Information collected and disseminated information on national policies which related to publications, broadcasting, motion pictures, and theaters. A Cabinet Supreme Council for the Direction of the War was created in August, 1944, to formulate policy and to harmonize political strategy with the war effort. As such it was the main coordinating body between the political and military branches of the government. In February, 1945, a wartime Commodity Price Investigation Council was formed within the Cabinet to reorganize the existing price administration machinery and to act as a supervisory organ for local price control offices. Minor Cabinet agencies attended to patents, statistics, pensions, and the drafting of legislation.

The Civil Service.—Japan's civil servants were grouped into four ranks. Those of the highest rank were appointed in person by the Emperor for such offices as Premier, minister in the Cabinet, Privy Councillor, important judicial posts, or ambassadorships. Those of the second rank served as judges, vice ministers, or directors of bureaus. They were appointed by the Emperor on the advice of the Premier. The third and fourth ranks, the most numerous group, were appointed after having passed an examination and having secured the approval of the Emperor. In 1937 there were approximately 160,000 civil service officials and about 330,000 national employees, not on civil service status.

Practically all branches of government service were open to those who passed the examinations. As a result the best material in the universities was attracted to the civil service. The bureaucrats boasted high morale, efficient standards, and a large measure of public confidence.

Naturally efforts were made to influence the civil service politically. At the same time the bureaucrats often penetrated political life. Civil servants have led political parties, and high ranking officials have been chosen from the bureaucracy. As a result a bureaucratic clique was created, so characterized by exclusiveness and homogeneity that on various occasions it aroused the hostility of party politicians, private businessmen, and military leaders.

LEGISLATIVE ORGANIZATION

The Imperial Diet.—The Japanese Diet was a bicameral legislature consisting of an upper house, the House of Peers, and a lower house, the House of Representatives. The Diet was convoked annually by the Emperor for a session of three months beginning late in December. The session could be extended only by imperial decree. Extraordinary sessions

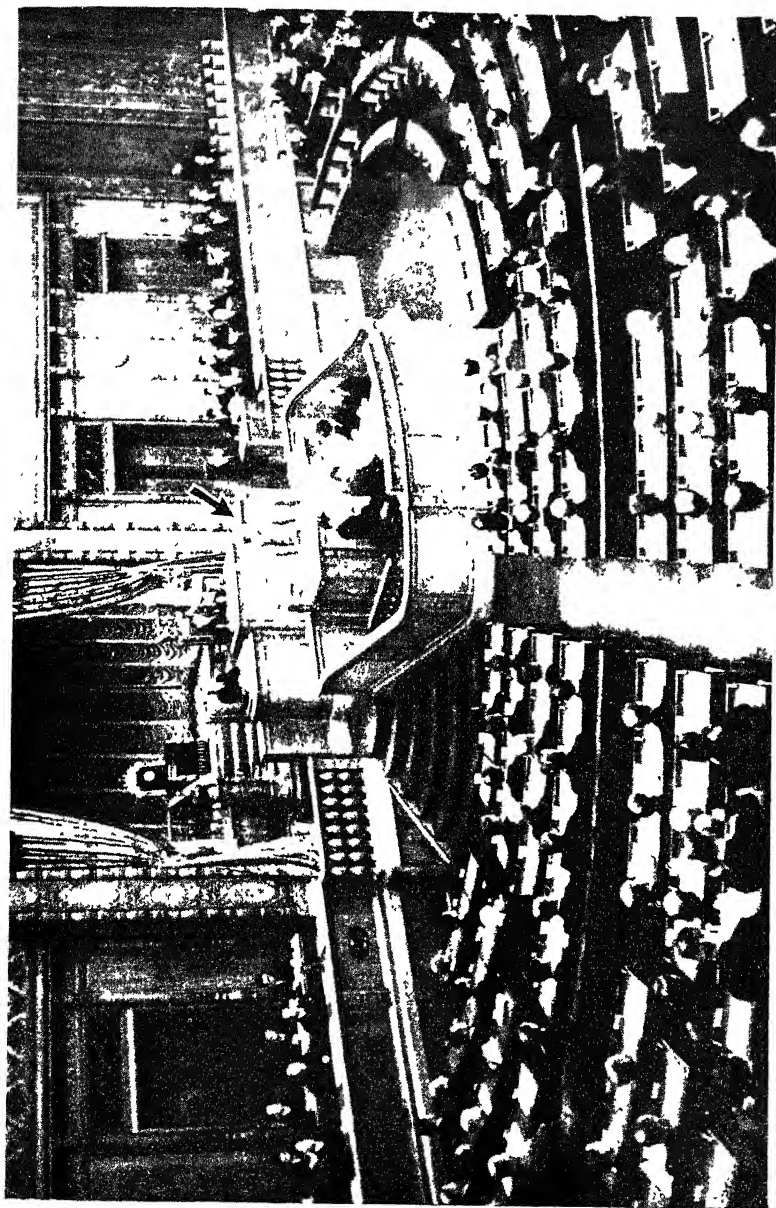
were called by the Emperor as the necessity arose. The Emperor could prorogue the Diet as often as he wished but not for more than fifteen days at any single time. He could dissolve the House of Representatives at will, but his authority in this respect was limited by the necessity of calling a general election in time to permit the newly elected body to meet within five months after the dissolution of the old.

Except for the right of the Diet to enact new legislation its powers were distinctly limited. It had no voice in foreign affairs or military and naval matters other than the right to question Cabinet ministers. Furthermore, it had only limited financial power, for if the Diet refused to accept the budget submitted by the Cabinet, the budget of the preceding year automatically became effective unless the Cabinet in turn was unwilling to accept that previous budget. Immune from purse-string control, and equally oblivious to such moves as a vote of no confidence in the Diet, the Cabinet might, at first glance, be considered powerful enough to flout the public will with impunity. In a period of crisis, like that of the past decade, such was actually the case. In a more normal period, however, neither the electorate nor its voice, the Diet, could be ignored so easily, a fact clearly demonstrated in the collapse of several ministries which insisted on pursuing a course independent of, or opposed to, the public will. Moreover, the former practice of selecting the Premier and the majority of his colleagues from among the leaders of party representation in the Diet, helped to keep the Cabinet both representative of the national will and responsive to the national voice during the twenties.

The House of Peers.—The aristocratic tradition of old Japan had a stronghold in the composition of the House of Peers. Six classes of members, divided into two general categories, made up the membership of the upper house of the Diet. The first category, holding life membership, includes princes of the blood, princes and marquises, and imperial nominees selected for their services to the state or for their erudition. Members of the second category, nominated for seven-year terms, included counts, viscounts, and barons; representatives of the highest taxpayers; and representatives of the Imperial Academy of Sciences.

Organization along political lines never went so far in the House of Peers as in the House of Representatives. However, the House of Peers was at one time divided into recognized groups sometimes referred to as parties. These vanished with the dissolution of all political parties in 1940.

The House of Peers enjoyed certain important immunities. It could not be dissolved and its organization could be changed only by imperial ordinance, to which it must consent.



General Hideki Tojo (shown by arrow) addresses the Japanese House of Peers in Tokyo on November 17, 1941, six weeks after he became Premier. The seating arrangement of the House of Peers conforms to that of continental European parliamentary bodies which were patterned on French models. The vacant throne on the dais is used by the Emperor of Japan when he convokes the Japanese Parliament. (*Press Association, Inc.*)

The House of Representatives.—The electoral law of 1925 set the membership of the House of Representatives at 466. Members were elected by adult male suffrage for a four-year term. The annual salary of ordinary members, as in the case of the House of Peers, was so low that only men of independent means or those who were subsidized by vested interests could afford to hold a seat. The latter group became the center of long-lived public scandal in the twenties, providing the militarists with one of their most powerful arguments for wiping out what remained of the democratic process. The minimum age for membership was set at thirty years.

From its very beginning the lower house attempted to make itself an effective instrument of popular government, well beyond anything anticipated by the framers of the Constitution. There, at last, the agitators for representative government found a proper outlet for their energies and ideas. For more than ten years preceding the opening of the first Diet in 1890, these reformers had banded together in a score of political societies. Their objective attained, they re-emerged as political parties, but parties with little power for almost three decades. Notwithstanding the resistance of court circles and conservatives in general, the party movement grew until in the late 1920's it became clear that no Cabinet could survive unless the leader of the majority party in the lower house was designated as Premier. Technically the Cabinet remained independent, but for a few years its leadership coincided with that of the majority political parties. However, the weaknesses of the political groups and the nationalist reaction which the militarists led against them after 1930 reversed this picture. Liberal government along democratic lines won its final victory in 1930 when popular pressure, expressing itself through the House of Representatives, finally compelled the reactionary bureaucrats and military extremists to accept and sign the London Naval Agreement. This bill carried reduced naval appropriations as a corollary; the Army group feared a like treatment and instituted terrorism to prevent such action. The signing of the London Naval Agreement meant the death-knell of party government in Japan. The Premier was assassinated. Open political war raged—a war which in less than a decade reduced the Imperial Diet to a political dumb-show. The war with China was used as an acceptable excuse to do away with the last vestige of party influence. In 1940 all political parties were dissolved in Japan. Thus, the House of Representatives, which was formerly the nation's most powerful agency of popular expression, became impotent. Since the government of the United States and its Allies have proclaimed their interest in encouraging the development of political parties

and the rights of free assembly and public discussion in Japan during Allied occupation of the nation, it can be expected that political parties will soon be organized. The only limitation which is being placed upon such a development is the necessity for maintaining the security of the occupying forces. In the anticipated postwar elections to the House of Representatives in January, 1946, the revival of political parties will likely provide the means of more adequately articulating democratic expression in Japan than has been possible for decades.

The Lawmaking Process.—Both houses of the Diet were equal in legislative power but in practice the lower house was more active in government affairs. The routine of legislation followed Western precedents. Bills might be introduced in either house, except that the budget must first be presented to the House of Representatives. Neither body had any control over certain financial items, such as treaty obligations, imperial household expenses, or legal governmental obligations. Budgetary control over several types of government revenue was likewise lacking, among them the income from the post office, government railways, and passports. Moreover, as has been mentioned, the Diet's control over the annual budget was very weak—a decided contrast to the situation normally prevailing in countries like the United States or Great Britain.

All statutes required a majority vote of each house for passage. Nevertheless, the Cabinet had the power between sessions of the Diet to issue imperial ordinances in the name of the Emperor which had the effect of law, subject to the Diet's approval at its next session. There was no way, however, of preventing their reissuance as soon as the Diet which had disapproved them was adjourned. In theory legislation might be introduced by any member of the Diet. Actually no legislation was submitted by a private member of the parliamentary establishment after political parties were eliminated. It became customary for the Diet to legalize all of the measures presented to it by the Cabinet and then to retire.

Suffrage.—In 1925 all property qualifications for voting were abolished so that all male inhabitants above the age of twenty-five who had lived in a locality for two years were eligible to vote and hold office. This step brought the total number of voters to about thirteen million. Members of the armed forces engaged in active service were not permitted to vote.

JUDICIAL ORGANIZATION

Western Influence on the Judiciary.—In the articles of the Constitution which give Japan its modern judicial system, Western theory and practices are of greater influence than they are in the clauses which relate to the

executive and legislative systems. The leaders of the nation realized that extraterritoriality, with its humiliating bar against Japanese court action in cases involving citizens of the great foreign powers, could be eliminated only if Japan could convince the Western powers that their nationals would receive just treatment, judged by Occidental standards, in the Japanese courts. To accomplish that end it was necessary to give the courts a degree of freedom from control which had been previously unknown in Japan. As a result, the governing constitutional clause declared that judicature is "exercised by the courts of law according to law in the name of the Emperor." The corresponding clauses establishing the executive and legislative agencies announced that "the Emperor exercises" the stated powers.

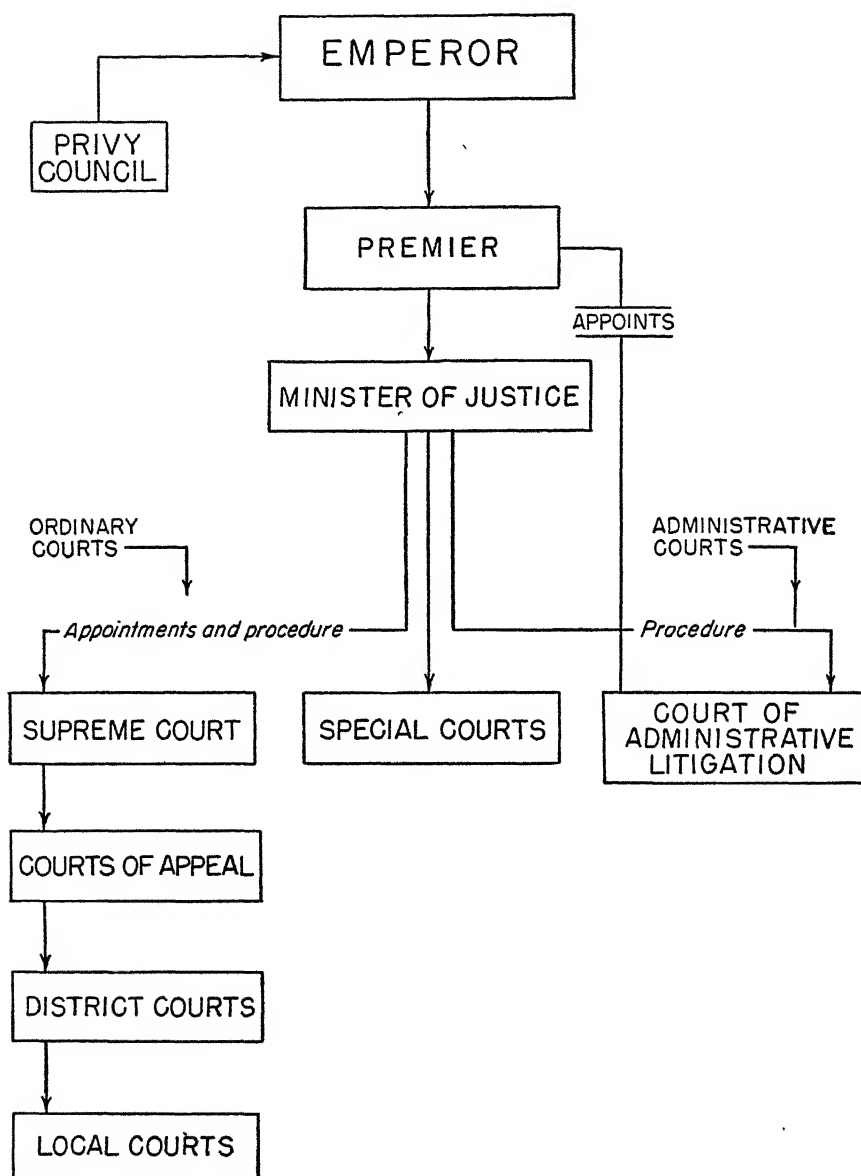
Ordinary Courts.—The regular or ordinary courts, dealing with civil and criminal cases between individuals, were of four gradations. At the first level were found the local courts which deal with minor offenses and with civil controversies in which the amount at issue is small. Above these were the District Courts with a more extended jurisdiction. Seven Courts of Appeal from these District Courts were located in various parts of the country; and finally, a Court of Cassation or Supreme Court which sat in Tokyo in nine sections of five judges each. Provision for jury trial was provided in the District Courts only, and was not widely used there.

Administrative Courts.—Following the European pattern the Japanese distinguished between ordinary and administrative law; that is, on the one hand, law affecting private individuals only and, on the other hand, law applying to claims against the government or involving official action. Japan had but one administrative court, the Court of Administrative Litigation. Its judges were appointed for life on the recommendation of the Premier. This court was competent to handle such cases as controversies between individuals and government authorities concerning such matters as taxes, licenses, and abuse of public power. It had nothing to do with criminal accusations against public officials, for these were tried in ordinary courts.

A considerable number of special courts had been established, among them juvenile, police, prize, and consular courts; a Court of Accounts; and courts within the jurisdiction of Japan's outlying possessions.

Codes of Law and Judicial Interpretation.—Japanese codes of commercial and civil law were modeled on those of Germany, and the criminal code was patterned after that of France. Certain modifications were made very early in the constitutional period to align the laws and courts more closely with Japanese precedents and customs. The codes of law were promulgated in 1908.

JUDICIAL ORGANIZATION OF JAPAN



Although laws having imperial sanction could not be invalidated by court decisions, they were subject to judicial interpretation. Questions of interpretation arising between private individuals were handled by the ordinary courts. Generally cases involving an individual and a governmental agency were referred to the administrative courts. In rare instances in which two governmental agencies were at odds over constitutional interpretation of their powers, the case was referred to the Privy Council.

These restrictions limiting the power of the courts to interpretation did not apply to the ordinances and decrees which were issued by the ministers or by their subordinates to carry out provisions of imperial laws. An ordinance or decree at variance with either the Constitution or the laws might be held invalid by the courts.

Legal Professions.—All judges were appointive and enjoyed life tenure unless removed for cause. Selected by examination and highly trained for their profession, they represented an outstanding, though small, group in Japanese life. Appointments were made on the recommendation of the Minister of Justice. Prosecuting attorneys or procurators were attached to all courts, and in cases of necessity police officers might act as procurators in local courts. These procurators formed a separate professional group, distinct from lawyers, and were appointed from among those who had passed a severe examination. They were subject to the control of the Minister of Justice and, like the judges, enjoyed life tenure. As might be expected, both these groups were subject to a variety of official and unofficial pressures which not infrequently made a mockery of justice. Most notable in recent years were the instances of the mob clamor evoked in the interest of confessed criminals and assassins who insisted that their crimes were motivated solely by patriotism. It mattered not at all that such brigandage struck at the highest figures in the government and society, nor that the ultranationalist militarists were employing such means in their drive for complete control of the state. The combination of official and mob pressure almost invariably resulted in a nominal sentence for the accused.

Judicial Procedure.—Japanese procedure differed from that of the democratic nations chiefly in its lack of safeguards for the rights of the accused. Preliminary examinations were conducted in secret, and by a single judge. The writ of habeas corpus was unknown, as was the grand jury. Procurators played a predominant role in the prosecution of criminal cases. They conducted preliminary investigations, prosecuted criminal cases for the state, and supervised the execution of criminal judgments. In civil cases of public concern they represented the public interest, but had no

functions in ordinary civil cases. Under Japanese procedure, the accused, denied counsel until an indictment had been reached, often found himself undergoing weeks of "third degree" treatment. Many persons were incarcerated for an indefinite period by the simple device of not issuing an indictment against them. Until the accused was brought to public trial he was not allowed counsel, but when he did have his day in court, he faced not only a procurator but a judge bent on wringing from him all the evidence prejudicial to his cause.

Cases of treason and serious offenses against members of the imperial family were reserved for action by the Supreme Court. That body also conducted the preliminary examination in cases where it exercised original jurisdiction. Much of its work was concerned with cases appealed from the lower courts. It should be noted again that the Supreme Court, unlike its counterpart in the United States, had no power of interpreting the Constitution; that function was vested in the Privy Council.

CIVIL RIGHTS

Control of Public Expression.—Modern newspapers made their appearance in Japan in 1871, but freedom of the press did not exist until it was ordered by the Allied Supreme Commander in Japan in 1945. Formerly, all newspapers had to be sent to the police for censorship before being distributed; whole editions have been suppressed. All newspapers or magazines publishing political information had to deposit with the government specified amounts of money to cover the payment of anticipated fines. In times of particularly severe press control newspapers were known to employ "jail editors" whose sole duty was to serve out imposed sentences. Frequently the government flatly banned the printing of information which it wished to suppress.

Mail, wire, and radio communications have not only been owned by the government but have been subject to government censorship. All code messages were required to be accompanied by true renderings. All telephone conversations had to be in the Japanese language.

Real freedom of speech and assembly were unknown in Japan until 1945. People are now permitted to meet and talk together, subject only to the security requirements of the occupying forces.

ARMED FORCES

Allied Control of Japanese Armed Forces.—It must be clearly understood by the student of contemporary Japanese government that all of the instrumentalities of that government are subject to the control of the Allied

Powers. This point has more emphatic meaning in connection with Japanese armed forces than with any other national instrumentality, for it is the stated purpose of the conquering powers to insist on the complete disarmament of Japan. The process is already under way and will be consummated as rapidly as possible. It is the hope of the United States government that militarism can be eliminated from the political, economic, and social life of a reconstructed Japan. The following discussion of military and naval institutions therefore is valid only to the extent that the Supreme Allied Commander chooses to permit these institutions to exist. In a very short time this military organization is expected to be of mere historical interest.

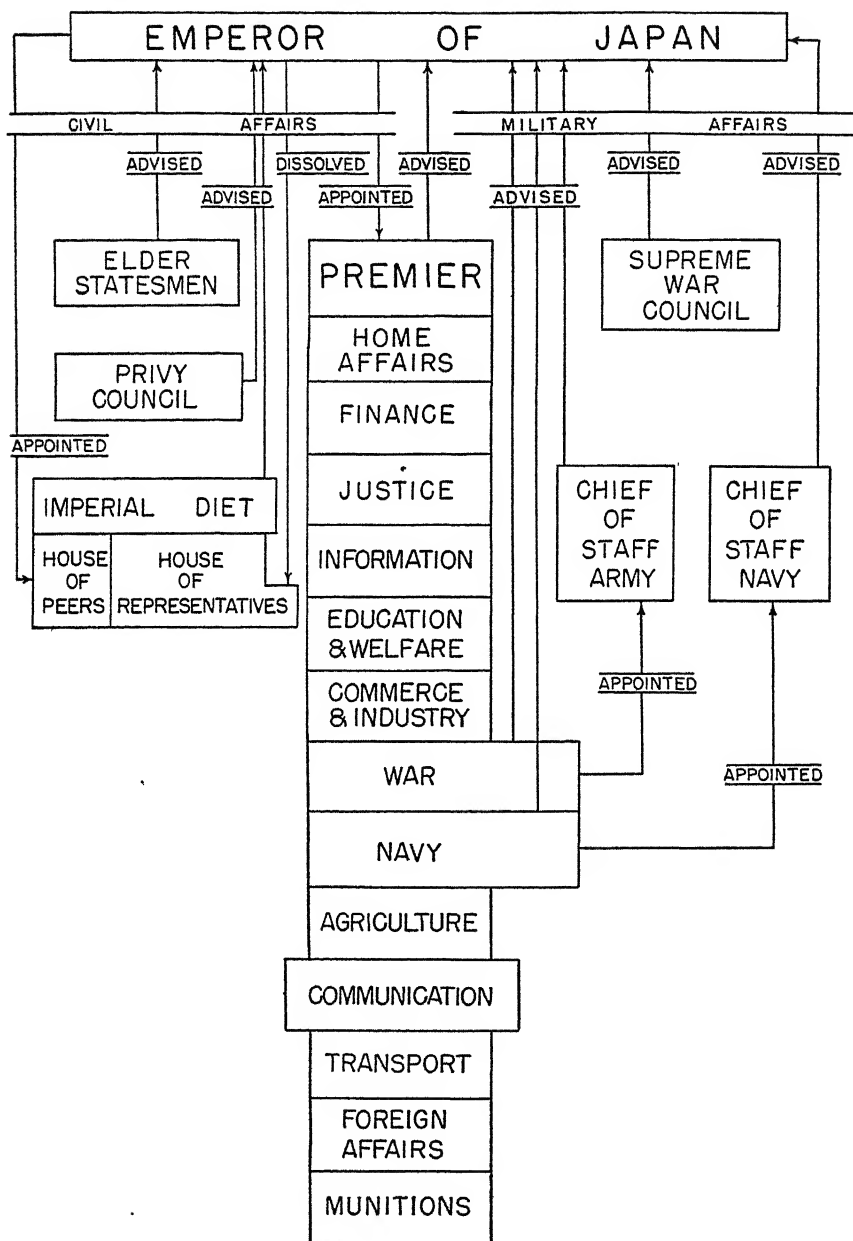
The Emperor.—The constitutional powers of commanding the Japanese Army and Navy, determining their organization, making war, and concluding peace belonged to the Emperor. Actually he delegated his authority to ranking officials in both services, the Ministers of War and Navy, and to numerous councils. From these he took advice on all military matters. In time of peace he was advised by two military councils: the Board of Marshals and Admirals and the Supreme War Council. In wartime these two bodies continued to exist but with purely nominal functions, and an Imperial Headquarters exercised the supreme command.

The Board of Field Marshals and Fleet Admirals.—This group consisted of those officers of the Army and Navy who held the rank of Field Marshal or Fleet Admiral. It was largely an honorary body and, except in war, membership was limited to imperial princes.

Supreme War Council.—From the day of its establishment in 1887 the Supreme War Council was a stronghold of militarism. It consisted of the Board of Field Marshals and Fleet Admirals, the Ministers of War and Navy, the chiefs of the Army and Navy General Staffs, and other generals and admirals nominated by the Emperor. Its function was to advise the Emperor on all matters pertaining to war and the administration of the two services. Inasmuch as the Army and Navy Ministers and the Chiefs of Staff gave independent advice to the Emperor, any Cabinet was compelled to act in complete cooperation with the body in which these officers sat. Thus the Supreme War Council was independent of civilian control. It had tremendous influence and prestige, including the ability to make or break a Cabinet.

Imperial General Headquarters.—This organization assisted the Emperor in the exercise of supreme command in wartime. When the "China Incident" unexpectedly developed into a major and continuing war, the Emperor, in November, 1937, re-established this wartime institution, first

GOVERNMENT OF JAPAN



created in 1902 and unused since the Russo-Japanese War of 1904-1905. Headed by the Emperor, as Commander-in-Chief, its membership included the Chiefs of the Army and Navy General Staffs, the Ministers of War and Navy, the Inspector General of Military Training, and the Inspector General of (Army) Aviation. Its principal functions were the coordination of military and naval activities and liaison between these agencies and other leading organs of the state.

In March, 1945, the Emperor sanctioned the presence of the Premier at Imperial Headquarters, a departure from tradition, probably made because of the failure of the Supreme Council for the Direction of the War to integrate military operation and production.

One of General Douglas MacArthur's first acts in a series of steps to abolish militarism in Japan was to order Emperor Hirohito to abolish the Japanese Imperial General Headquarters.

Army and Navy Administration.—Subordinate to the Emperor and Imperial General Headquarters the direction of the Army was in the hands of four principal agencies. These were the General Staff, the Ministry of War, the Inspectorate General of Military Training, and the Inspectorate General of Aviation. Until 1938, the Chief of the General Staff, the Minister of War, and the Inspector General of Military Training were the most powerful figures in the Army and were known as the "Big Three." The Inspectorate General of Aviation was created in 1938 to supervise Air Corps training. The head of this department had to be a general or a lieutenant general, appointed by and responsible to the Emperor for aviation training. In other respects the Inspector General of Aviation was subordinate to the "Big Three." The Inspector General of Aviation ranked with, but after, the "Big Three." The establishment of this inspectorate represented a decided step in the trend toward increased prestige and greater independence of the Air Corps. The Minister of the Navy and the Chief of Naval Staff were the corresponding "Big Two" of the Navy.

The Fighting Services and the Secret Societies.—Soldiers and sailors of Japan were rated superior to ordinary subjects of the Emperor. With the Son of Heaven as his commander and the inherited prestige of the samurai feudal tradition, the Japanese in uniform looks down on his civilian fellows as an inferior breed.

Renewed emphasis by the military leaders on the traditional superiority of the soldier played a part in the organization of numerous secret propaganda and militarist groups. Of chief importance were the Imperial Reservists' Association, with a membership of three millions; the Black Dragon Society, promoter of Japanese imperialism; and the Black Ocean

Society, whose program called for maritime and Asiatic expansion. The peak of such activities was reached in the years culminating in the Pearl Harbor attack, without any perceptible abatement thereafter. The order of General MacArthur in August of 1945 for the dissolution of the Black Dragon Society is indicative of the probable fate of similar organizations.

Conscription.—The Japanese Army has used some form of universal conscription since 1873. Under the system that prevailed in peacetime, all males between 17 and 40 except the physically disabled and certain criminals were liable to military service. In practice they were examined and classified on reaching the age of 20, and a certain number of those classed as fit for active service were given two years' training in units. Increasingly large numbers of men classed as fit for replacements were in recent years given up to six months of training. In this way Japan has been able to build up large reserves of trained and partly trained men. With the increasing demands of World War II, however, Japan found it necessary to extend the age limits for conscription. In December, 1943, the limit was raised to 45 and lowered to 19, and in October, 1944, it was lowered still further to 17 years of age. Physical standards for induction were likewise lowered.

Military Training.—The process of military indoctrination in Japan began at an early age, followed by formal regimentation and training at about the age of 8 years. This training continued until the individual was old enough to serve his required two years in the active service. After active training had been completed the Japanese passed into the Conscript Reserve and First Reserve until at the age of 37 he became a member of the First National Army. The liability for service continued until the age of 40 was reached. Such was the peacetime program. Wartime needs, as indicated above, brought into the ranks of the armed forces every male capable of bearing arms.

Civilian Volunteer Corps.—On April 2, 1945, the Koiso cabinet approved the establishment of the Civilian Volunteer Corps to carry out work necessary for the war effort, such as increased production of munitions and food. In June, because of increased losses, the Volunteer Military Service Act, which provided a legal basis for changing local organizations of the Civilian Volunteer Corps into a combat force when need arose, was announced by the Emperor. Japan's surrender prevented its implementation.

LOCAL GOVERNMENT

Prefectures and Municipalities.—The centralization of authority in the Japanese national government naturally resulted in the formation of local government with only limited powers. Japan is a unitary state wherein

most of the administrative policies of the localities were created and executed on a national scale. Local officials were usually responsible to the central government.

The basic subdivision for local government is the prefecture. For administrative purposes, Japan in 1944 included not only the main islands but also Korea, Karafuto, and Formosa. Each of these former colonial territories was considered a separate prefecture; the main islands, including the special administrative unit of Hokkaido and the Kurile Islands, were divided into forty-seven prefectures. Since Hokkaido and the Kuriles are sparsely populated they had a special administration for exploitation, colonization, and the supervision of national forests. Except for this distinction these islands were administered in the normal prefectural pattern. The cities of Osaka and Kyoto (and formerly Tokyo, which now has a special government) were organized into city prefectures.

The whole operation of the prefectural governments was under the control of the Ministry of Home Affairs. The prefectures in turn were composed of municipalities, towns, and villages which constituted the basis of local government. Each prefecture had a Governor, appointed by the Minister of Home Affairs, a council which was partially appointed, and a popularly elected assembly. Governors had authority for the final ratification or refusal of any measure passed by the assembly.

Similar to the prefectural government, though on a smaller scale, was that of its subdivisions. Thus, each municipality had a mayor, council, and assembly. Towns and villages had no council, administration being in the hands of a chief magistrate and an assembly.

The lack of local authority on the part of the prefectures cannot be overemphasized. While each prefectural government was composed of at least the three bureaus of General Affairs, Police, and Economics, these bureaus had no policy-making functions and acted only as the administrative agent of the central government. For example, in the administration of education within the prefecture, the Prefectural Governor and the Division of Education in the General Affairs Bureau of the prefectural government were responsible for the implementation of national educational policies. Likewise, all police in the localities were national police, and the Police Bureau in each prefecture was responsible to the Prefectural Governor and thus indirectly to the Minister of Home Affairs in Tokyo for the operation of all police activities in the prefecture.

Regional Administrative Districts.—Japan's highly centralized political system obviated any serious conflict of jurisdiction between the national and local authorities. The local authorities were considered the agents of the

national government without policy-making powers. In reality, however, certain inefficiencies existed in the implementation of national policies in various localities. The necessity of having various prefectural governors and mayors effectuate the recent wartime measures and policies of the national government in each of their localities created some conflicts over national and local jurisdiction. Questions arose as to whether the new policies were primarily the responsibility of the national government or local prefectural governments. To eliminate duplication, to force the prefectural government to comply with national policies, and to create geographical units which would be as economically self-sufficient as possible, eight Regional Administrative Districts were formed, each created by the amalgamation of several prefectures. A Regional Administrative Council was set up for each region.

This reform became effective July 1, 1943. It was intended not only to eliminate the difficulties mentioned but also to increase the production of armaments and ordnance. A president for each of the Councils, appointed by the Emperor for each district, acted as liaison officer between the central and local governments and as the Governor of the most important prefecture in each district. He was assisted by a nationally appointed regional councillor and by the heads of the eleven bureaus in each administrative district. These bureaus are responsible for problems of communication and transportation, resources, labor and finance. Through periodic meetings with representatives from the various national ministries, the president of each administrative district was able to carry out national policies in his region.

Even before the Regional Districts were established the city prefecture of Tokyo was abolished and the Tokyo prefectural and municipal administrations were combined into Tokyo Metropolis. The governor of this new administrative unit was appointed directly by the Emperor. Eight bureaus, covering the fields of education, economics, public affairs, planning, defense, transportation, flood defense, and harbors functioned under the governor's direction. On June 8, 1945, the Regional Administrative Councils were replaced by a system of Offices of Superintendents, with the purpose of bolstering the production of munitions and strengthening home defense by making each of the eight regional administrative districts self-sufficient. By that means it was hoped to avoid the complete disruption of internal communications which invasion would have brought to an integrated nationwide system of administration. The main difference between this system and the former was the separation of the post of Superintendent General from that of Prefectural Governor. Japan's surrender brought back the policy of centralization in administration.

GOVERNMENT OF JAPANESE-OCCUPIED TERRITORIES

Japanese Agencies of Control.—When the Ministry of Greater East Asia Affairs was created in 1942 it absorbed the bureaus of the former Overseas Ministry which had originally administered the territories of the Mandated Islands (the Carolines, Marshalls, and Marianas), the Kwangtung Leased Territory, and occupied areas in China and the South Pacific. The ministry worked with the Japanese Army in maintaining complete control of all the areas conquered by Japan. In actual theaters of operation control was vested wholly in the hands of the armed forces.

Manchukuo.—After the outbreak of hostilities at Mukden in September, 1931, Japan maintained the fiction that the native Manchurians were merely supported by Japan in their fight for independence against China. On February 25, 1932, a Japanese-inspired State Founding Conference met at Mukden to proclaim formally the existence of the state of Manchukuo. The coronation of Henry Pu Yi as Emperor occurred the next month, followed by official recognition of the state by Japan, Germany, Italy, and El Salvador. Although the Manchukuoan government purported to be an independent organization, it was in practice entirely dominated by the Japanese occupying forces. Its constitution and governmental organization resembled that of Japan in almost every respect. Its legislative council did not meet once in the decade of its supposed existence; all legislation was enacted by a State Council, headed by the Premier, who was appointed by the Emperor. The actual ruler of Manchukuo was the Commander-in-Chief of the Japanese Kwangtung Army, who also served as Japanese Ambassador to Manchukuo.

Occupied China.—The Japanese formally organized into three jurisdictions the portions of China which they occupied: the National Government of China at Nanking, the Mongolian government, and special administrative areas along the south coast of China.

The National Government of China at Nanking was a puppet state headed by Chen Kung-po, former President of the Legislative Council of the Nanking Government, who succeeded Wang Ching-wei upon the latter's death in November, 1944. This government claimed control over all of China. Actually it existed only with the sufferance and support of the Japanese occupying armies. Structurally the government was complete, having assemblies, ministries, provincial districts, governors, and magistrates. All civil government was carried on under the close supervision of Japanese advisers, who in fact dictated policy. Japanese bureaucrats of all types came to China to "assist" and "advise."

Opposed to the Nanking regime has been the government of Republican China, led by Generalissimo Chiang Kai-shek from his capital at Chungking. He has been supported by the United States and Great Britain in his efforts to restore the control of his government over the areas of China which were occupied by Japan. In the Northwest the Chinese "Communists," while steadfast in their opposition to the expansion of the Japanese, have never worked in harmony with the Chungking regime.

Before the outbreak of the Sino-Japanese War in 1937 groups of Mongols in Inner Mongolia had attempted under the leadership of a Mongol chief, Prince Teh, to gain autonomy from Chinese control. They were unsuccessful until the Japanese invasion of North China, when these groups created the present Federated Mongolian Autonomous Government. This government, theoretically controlled by Prince Teh, was actually under the control of the Japanese Kwangtung Army.³

On the south China coast, the Amoy region and several other districts constituted separate administrative areas under local puppets. Here, for strategic reasons, the Japanese refused to allow any control by the Nanking regime.

In the occupied areas of southeast Asia, Japan has attempted to pose as the liberator of Asiatic peoples from Western domination by granting "independence" to the Philippines and Burma in 1943, by signing a pact of "equality" with Thailand, and by experimenting with various forms of "autonomy" in Java. Despite the subsequent disillusionment with the sham independence granted by the Japanese, native aspirations toward freedom were definitely stimulated thereby.⁴

THE "NEW STRUCTURE" OF GOVERNMENT

Dissolution of Political Parties.—The discrediting of the political parties and the rise of the Japanese militarists to power in the early nineteen thirties created undercurrents of popular dissatisfaction with representative institutions. At the same time the stability of the government demanded a retention of the major national institutions. The result was a compromise.

³ In a treaty negotiated between the Chinese Nationalist Government and Soviet Russia, signed August 14, 1945, Chungking relinquished sovereignty over Outer Mongolia. The following month a plebiscite of its inhabitants voted for the independence of that Sovietized area.

⁴ Added impetus was given by the careful training in Japan of hundreds of selected natives of the areas occupied by Japan's armed forces between 1942 and 1945. Graduates of the system played an important part in the independence movements which broke out on the Asiatic mainland and the Pacific islands in the fall of 1945. The situation was aggravated by the extreme economic exploitation which accompanied Japan's military control in all of those areas, to the point where starvation of the natives, even in relatively rich agricultural regions, was not uncommon.

The House of Representatives was retained by the military clique which ruled Japan, but political parties were abolished.

The latter step was taken in 1940 when Prince Fumimaro Konoye became Premier with the support of the militarists. As a condition of his acceptance of office he demanded in the name of national unity the voluntary dissolution of all political parties. Behind his demand stood the insistence of the dominant military clique that a New Structure of Government supersede the older party system. The militarists had by 1940 been impressed with the apparent successes of the European fascist elements in controlling the economic, political, and cultural activities of their states and in building up strong military power. In conscious imitation of these policies the Japanese government proposed the creation of a New Structure of Government under which all of the influences in the nation would be brought into harmony with national policy. As a result, not only the political parties, but various other associations and pressure groups, ranging from Rotary Clubs to labor unions, were blotted out. At the same time a Preparatory Commission was appointed to set up a New Structure which would absorb and represent all of the old organizations.

The Imperial Rule Assistance Association (IRAA).—This national political agency was organized by Japanese Army and government leaders on October 12, 1940, as the agency for creating the New Structure of Government. It was a governmentally controlled propaganda agency which replaced or absorbed all political parties and mass organizations and assumed their functions. It had branches both for adults and for youths; it acted in economic as well as political matters; and it functioned on both the national and local levels. Despite this wide extent of its activities the Imperial Rule Assistance Association (IRAA) did not become an all-powerful, single political party in the fascist pattern. It was rather a somewhat topheavy and decidedly heterogeneous organization improvised to create the means for popularizing governmental policies. Its chief purpose seems to have been to provide for the Japanese people the illusion that they were actually participating in the governing process and to avoid the danger of opposition which independent organizations might create.

Because of its limited success in achieving national harmony in political, economic, and cultural life, the IRAA was subject to several reorganizations. In May, 1942, an additional body, the Imperial Rule Assistance Political Society (IRAPS) was set up to function specifically in the political sphere. In March, 1944, when the lengthening shadows of military defeats could no longer be ignored, a further attempt to arouse popular support for the government's policies was made with the inauguration of the "People Rise

to Action" drive. This movement attempted to coordinate the activities of the IRAA, IRAPS, and the Cabinet.

The ramifications of the IRAA spread throughout the nation and included a vast hierarchy of councils, extending from the Central Cooperative Council, through the prefectural and city councils down to local neighborhood councils. Each council of the IRAA corresponded to a political subdivision of the government. Although these councils had no legal authority, they advised the government officials in the subdivision to which they corresponded and received instructions from them. Thus a pyramidal structure was created through which the government could issue orders to the people, and, in theory, the people could transmit their wishes to the government.

In its political sphere the IRAA functioned as a single political "party," or a united pressure group. On April 30, 1942, in the only elections held since the old parties were dissolved, the IRAA won only eighty-one per cent of the seats in the House of Representatives. This evidence of dissenting opinion resulted in the organization of the Imperial Rule Assistance Political Society in order to exercise more complete political control over elections thereafter. Apparently Japan had not yet reached the degree of deceptive "national unity" which the European fascist nations managed to demonstrate in national elections or plebiscites.

Though the IRAA and the IRAPS attempted to "examine" all legislation to be submitted to the Imperial Diet, their most prominent activity was in the field of home propaganda, conducting spiritual movements, patriotic contests, war-bond rallies, drives to promote production, and programs to encourage rationing.

Since both the IRAA and the IRAPS were public associations and supported by the government, the difficulty in defining the jurisdictional limits of the two was recognized. In September, 1944, it was announced that the IRAA would be concerned chiefly "with measures to stabilize the people's livelihood and further the war effort through measures dealing with production," and the IRAPS would "effect closer relationship between the Army and the people, advise the government, and weigh the practicability of government proposed measures to be applied throughout the Empire."

Dissatisfaction with this overlapping and complicated system reached a crisis in the spring of 1945 when Admiral Kobayashi proposed to organize a new political party to replace the IRAPS. Meanwhile there was a tendency in the House of Representatives to form several political parties instead of one unified party. But on March 30, 1945, a single political organization, the Dai Nippon Political Association, was inaugurated; this party was to be

"purely an executive organization of the Defense of the Fatherland Movement, in contrast to the IRAPS whose activities were in connection with the functions of both houses of the Diet." The IRAA, with its young men's and women's organizations, was disbanded, and its functions assumed by the Civilian Volunteer Corps.

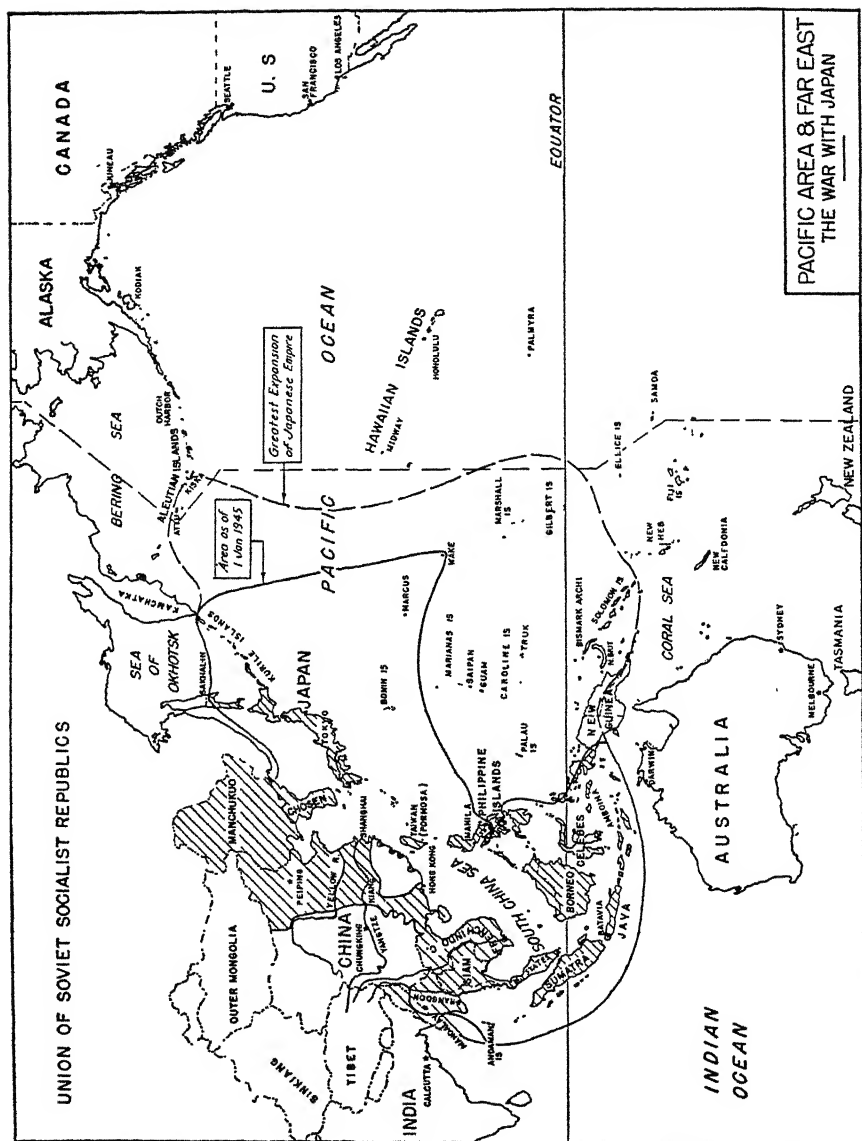
No further detail is necessary to show the confusion, overlapping of political functions, and conflicts present in the Japanese political system during the war. This was no novelty in a nation long plagued by the feuds of bureaucrats, militarists, and liberals of an earlier day. The uncertainties and amateur fumbblings which characterized Japan's attempts to evoke public support for national wartime policies were in sharp contrast with the hard, clear lines of Nazi Germany's organization and procedures.

After the occupation of Japan by the Allied authorities, the Dai Nippon Political Association was dissolved. In September the formation of political parties ranging from extreme right to extreme left was reported. It is the policy of the United States government to encourage democratic political parties with rights of assembly and free discussion.

FOREIGN POLICY

Territorial Expansion.—It was inevitable that a people who, in Commodore Perry's day, were living at a bare subsistence level, would soon look to territorial expansion as an escape from their poverty. The fact that the same territory which in 1853 provided a poor living for 30 millions of people was able to support 75 millions in 1937 on a far higher standard does not alter the basic motive for expansion. Nor is it changed by the Japanese government's actively pursued policy of the present century which aimed always at a larger population. The paradox between basic conditions and the program of population increase had by that time been resolved by Japan's fixed purpose to make herself supreme master of East Asia and the Western Pacific area. Only a high birth rate could meet the needs of her growing armies.

From her original base in the homeland (the islands of Hokkaido, Honshu, Shikoku, and Kyushu) Japan began late in the nineteenth century to acquire nearby islands, chiefly at the expense of China. Partially rebuffed by the Western powers when her ambitions sent her armies of invasion into the Asiatic mainland, she took the great gamble of challenging Russia's might in 1904. By that time her sea approaches were doubly guarded by a small but efficient fleet and the firm treaty with Great Britain, signed in 1902. The benevolent neutrality of the United States in the Russo-Japanese



PACIFIC AREA & FAR EAST
THE WAR WITH JAPAN

War likewise buttressed her in this first major test of her military prowess. The war's end saw Japan firmly established as one of the great powers.

Japan's foothold on the mainland was regarded by her leaders as only a stepping stone to a vastly greater prize, the complete domination of China and her 400 million useful workers. However, division of opinion had occurred between the Army and Navy planners as to priorities in the projected scheme of conquest. The navalists insisted on "southward expansion," the acquisition of the island groups which stretched down into the Southwestern Pacific. The Army, on the contrary, wished to establish itself firmly in Asia proper. The compromise policy which followed during and immediately after World War I gave Japan an increasingly firm grip on China while at the same time it brought into the Japanese net four groups of Mandated Islands (Marianas, Carolines, Marshalls, Palaus). The latter, in open violation of the League Covenant, were immediately transformed into Japanese defense areas from which all outsiders were debarred. Meanwhile, the Army-Navy quarrel continued down to the day of Pearl Harbor.

In her final drive for Pacific mastery, Japan craftily used the opportunity created by the world-wide obsession over peace without force which conditioned Western policy in the early thirties. Her seizure of Mukden in 1931 touched off the train of events which put willful military aggression to its greatest modern test. Prior to the Battle of Midway in May, 1942, Japan committed few errors in the execution of her plans. But those were serious enough in their consequences to ensure her final defeat. Japan was at her best in capitalizing to the full on the Western powers' will-to-peace, a will so strong that nothing except a succession of humiliating military defeats could replace it with the will to fight to the finish. She erred in her estimate of the power which her opponents could generate and the time needed for their development. She erred no less seriously in her estimate of China's capacity for resistance. Finally she was wholly wrong in her belief that her projected "Co-prosperity Sphere of Greater East Asia," promulgated by the Konoye Ministry on August 1, 1940, would bring into the Japanese fold Asiatics and Pacific islanders to a total of more than half the world's population, all eager for exploitation by their Japanese masters. With few and relatively unimportant exceptions the presence of Japan's armed forces brought with it everywhere a blight of resistance, sabotage, and greatly reduced production.

A long period of consolidation and development might conceivably have altered such conditions, always provided that Japan had learned to give real meaning to her slogan of "Asia for the Asiatics." The opportunity for such growth was denied Japan by the combination of the swiftly rising

military might of the United Nations, in particular the United States, and the slower rise of internal resistance in the conquered areas. Three years before Japan's unconditional surrender ended the fighting, she had shown beyond any last doubt her inability to deal with a conquered native population except on a basis of master and slave. True, her earlier experiences in Formosa, Korea, and Manchuria had already established that fact. But, on paper at least, Japan had forecast a reversal of the older system when she projected her "Co-Prosperity Sphere." Japan's habits and traditions of centuries were obviously too strong to permit the introduction of any suggestion of equality and democracy in dealings with non-Japanese.

Relations with Foreign Powers.—In carrying out her policy of national self-interest, Japan has consistently shown herself unable to establish any bonds which savored of real and lasting friendship or cooperation with other nations. She has enjoyed support from time to time as she pursued her various ventures. But, with the single exception of the flurry of enthusiasm in the United States when Japan challenged Russia in 1904, the supporting power has invariably been one which could discover some immediate gain to be had from her arrangements with Tokyo. Invariably lacking in such dealings was the atmosphere of trust and confidence which alone can beget true understanding between two nations. Japan never was able to dismiss or conceal the deep-seated hostility to an outside world which had first led her into more than two centuries of national hermitage, had then blasted her out of such isolation, and had put her through several decades of apprenticeship before she was asked to sit at the international table as an equal. Moreover, the equality never seemed real. In fact, when her equal status was brought to a vote at Japan's instance at the Versailles Conference, it failed of the unanimous support necessary to give it full validity. That incident served to strengthen the inferiority complex of a proud people. Self-vindication then had to be found in military supremacy and conquest, and in the process the means were to be subordinated to the end.

It was but natural that craft and force should thus have become Japan's major tools of international relations. When difficulties with her rivals pointed to war, that war was invariably launched without warning and in full disregard of any existing agreements. Whatever the damage suffered by Japan's reputation as a result, her leaders were willing to balance it against the concrete advantages which a surprise attack assured her. In the intervals between wars, treaties and pacts were sought which would serve the double purpose of protecting the nation's security and simplifying the problem of her future campaigns of aggression. Thus, the Anglo-Japanese Treaty of 1902 blocked the road to any renewal of the European power

concert (Russia, Germany, and France) which had deprived Japan of most of the territorial gains which she had scored in her war with China, 1894-1895. Moreover, it secured for Japan the protection of her sea lanes by Britain's powerful fleet in a day when Japan's rating as a naval power was still negligible. The combination likewise assured the two partners some degree of cooperation in the exploitation of a sick China. And when Japan sought to make capital of Britain's involvement in World War I by making her Twenty-One Demands of 1915 on China, the British were left in no position to protest even though China's acceptance would have left Japan virtually sovereign over all Chinese territory. It was left to the United States to save China at that juncture.

Japan was equally alert to align herself with the Western Allies in World War I, an act which permitted her to fall temporary heir to Germany's holdings in China and subsequently to secure the strategically important Mandated Islands in the Central Pacific. In her next—and last—major move in such diplomacy she joined her fortunes in 1940 with those of the Rome-Berlin Axis.

Such high-powered politics did not always provide smooth sailing for the Japanese ship of state. The tendency to overreach herself was curbed repeatedly by outside intervention too strong to be withstood. Such for example were the setbacks experienced at the Washington Conference of 1921-1922, where Japan acquiesced in the scrapping of the Anglo-Japanese Treaty, agreed to the withdrawal of her troops from the Shantung Peninsula, and became a signatory to the Nine-Power Treaty guaranteeing the independence and territorial integrity of China. In return, as already mentioned, Japan was accorded in the Five-Power Naval Treaty a level of maritime strength sufficient to ensure her dominance of Far Eastern waters. The result of these various commitments was deemed so unfavorable by Japan's militarists that her subsequent diplomatic moves were aimed at securing freedom from her treaty commitments. Successively she broke away from the League of Nations (1933), denounced the London Naval Treaty of 1930 (1934) and after 1937 repeatedly refused to be bound by earlier obligations respecting China's sovereignty. From that stage it was but a short step to linking her interests with those of the Rome-Berlin Axis in 1939, followed by her agreement to become a full-fledged partner of the Axis in 1940. At the same time Japan held fast to her Non-Aggression Treaty with Soviet Russia, a fact clearly reflecting her fears of Soviet bombers over Japan's tinder cities. That treaty came to an abrupt end when Soviet Russia declared war on Japan August 8, 1945.

How close were the ties which bound Japan to her European wartime

The Japanese Imperial Rescript Of August 14, 1945, Announcing The Acceptance Of The Potsdam Declaration

To our good and loyal subjects:

After pondering deeply the general trends of the world and the actual conditions obtaining in our Empire today, we have decided to effect a settlement of the present situation by resorting to an extraordinary measure. We have ordered our Government to communicate to the Governments of the United States, Great Britain, China, and the Soviet Union that our Empire accepts the provisions of their joint declaration.

To strive for the common prosperity and happiness of all nations as well as the security and well-being of our subjects is the solemn obligation which has been handed down by our Imperial ancestors, and which we lay close to the heart.

Indeed, we declared war on America and Britain out of our sincere desire to ensure Japan's self-preservation and the stabilization of East Asia, it being far from our thought either to infringe upon the sovereignty of other nations or to embark upon territorial aggrandizement.

But now the war has lasted for nearly four years. Despite the best that has been done by every one—the gallant fighting of the military and naval forces, the diligence and assiduity of our servants of the state, and the devoted service of our 100 million people, the war situation has developed not necessarily to Japan's advantage, while the general trends of the world have all turned against her interest.

Moreover, the enemy has begun to employ a new and most cruel bomb, the power of which to do damage is indeed incalculable, taking the toll of many innocent lives. Should we continue to fight, it would not only result in an ultimate collapse and obliteration of the Japanese Nation, but also it would lead to the total extinction of human civilization. Such being the case, how are we to save the millions of our subjects, or to atone ourselves before the hallowed spirits of our Imperial ancestors. This is the reason why we have ordered the acceptance of the provisions of the joint declaration of the powers. . . .

The thought of those officers and men as well as others who have fallen in the fields of battle, those who died at their posts of duty, or those who met with (untimely) death and all their bereaved families, pains our heart night and day.

. . . The hardships and sufferings to which our Nation is to be subjected hereafter will be certainly great.

We are keenly aware of the inmost feelings of all you, our subjects. However, it is according to the dictates of time and fate that we have resolved to pave the way for a grand peace for all the generations to come by enduring the unendurable and suffering what is insufferable. . . .

Beware most strictly of any outbursts of emotion which may engender needless complications, of any fraternal contention and strife which may create confusion, lead you astray, and cause you to lose the confidence of the world.

Let the entire Nation continue as one family from generation to generation, ever firm in its faith of the imperishableness of its divine land, and mindful of its heavy burden of responsibilities, and the long road before it. Unite your total strength to be devoted to the construction for the future. Cultivate the ways of rectitude, foster nobility of spirit, and work with resolution so as you may enhance the innate glory of the Imperial state and keep pace with the progress of the world.

partners is a matter of doubt. There could be little warmth in an atmosphere charged with the contempt which Hitler and other Nazi writers had frequently expressed for Japan. In turn, the Japanese had been at no pains to spare the Germans and Italians in their program to rid Asia of Occidentals. Unity was further impeded by the distance separating the Eastern and Western partners, with the Allied fleets barring the way to effective communications. The real unity thus became essentially one of joint opposition against a common rival, with each partner seeking to make the utmost for itself out of the arrangement. Even the vision of Axis victory must have raised for Japan the specter of a final settlement with Germany. Italy's fate pointed clearly to the difficulties which might be anticipated in such an eventuality.

All such doubts were resolved after 1942. From that point on it was a question of whether or how long Japan could retain any part of an empire which in the half century after 1894 had expanded through military conquest from a community of forty millions living in an area about the size of Montana to one of 4,415,000 square miles, with a population of two hundred millions. By 1945, an unbroken succession of military disasters led Japan to offer the Allies the bait of several "peace feelers." To all of them came the answer from Potsdam, where on July 26 the representatives of the United States, Great Britain, and China issued a proclamation outlining the terms of surrender. In effect they implemented both the Casablanca agreement of Prime Minister Churchill and President Roosevelt (January, 1943)—that the strategic goal of the United Nations was the unconditional surrender of the Axis—and the Cairo agreement of these two leaders and Generalissimo Chiang Kai-shek (November, 1943). Japan's announced refusal to consider the Potsdam terms was followed by the dropping of an atomic bomb over Hiroshima on August 6, practically destroying that city. Two days later the Soviet government declared war on Japan and sent her armies into Manchuria. A second bomb, dropped on Nagasaki, August 9, ended Japan's hesitation. The following day, the Japanese government announced its desire to accept the Potsdam Declaration provided that the declaration did "not comprise any demand which prejudices the prerogatives of His Majesty as a Sovereign Ruler." The reply of the Allied governments stated that "from the moment of surrender the authority of the Emperor and the Japanese government to rule the state shall be subject to the Supreme Allied Commander who shall take such steps as he deems proper to effectuate the surrender terms." On August 14 the Japanese government announced its acceptance of the terms. The instrument of surrender was signed aboard the "U.S.S. Missouri" in Tokyo Bay on September 2, at which time the Emperor issued

a proclamation commanding the people to cease hostilities, lay down their arms, and carry out the provisions of the instrument of surrender.

ALLIED GOVERNMENT OF JAPAN

Military Occupation of Japan.—The ultimate objectives of the United States in Japan, as stated in a directive to General MacArthur prepared jointly by the Department of State, the War Department, and the Navy Department and approved by the President on September 6, are to insure that Japan will never again become a menace to the United States or to the peace and security of the world; and to bring about the establishment of a peaceful and responsible government, preferably based on the democratic principle of self-government. To that end, Japan's sovereignty is to be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as may be determined; she is to be completely disarmed and demilitarized; the Japanese people shall be encouraged to develop a desire for individual liberties and a respect for fundamental human rights; they shall be encouraged to form democratic and representative organizations; they shall be afforded opportunity to develop for themselves an economy which will permit the peacetime requirements of the population to be met.

To further these objectives the authority of the Emperor and the Japanese government will be subject to the authority of the Supreme Allied Commander, who will possess all power necessary to effectuate the surrender terms and to carry out these policies. The Supreme Allied Commander is to exercise his authority through Japanese governmental machinery and agencies, including the Emperor, to the extent that such actions satisfactorily further United States objectives. The wisdom of that policy was clearly shown in the orderly, almost docile, acceptance by the Japanese people of their fate. No opposition of consequence occurred as the occupying force took over key centers, disarmed the Japanese troops, and established the machinery of military government. In outlying parts of the areas conquered by Japan the process of disarming and demobilizing her troops proceeded more slowly. In mid-November it was estimated that several hundred thousand Japanese were still under arms in various parts of China. The situation there was further complicated by the rivalry between the Chungking and Yen-an (Chinese Communist) governments. Notwithstanding the tentative agreement reached by the representatives of the two factions in September, the Yen-an armies moved swiftly to establish control in North China and Manchuria, with the result that open hostilities broke out between them and the Chungking forces. Korea, under joint occupation

by Soviet Russian and United States troops, was seeking to speed the day when it could enjoy the promised restoration of its independence.

The United States, continuing its role of Japan's major opponent, began the occupation task in Japan proper on a unilateral basis. Repercussions from other interested countries were not long delayed. Soviet Russia, capitalizing on her participation in the last week of the war, insisted on joint control of the Japanese homeland under an arrangement which would require unanimous agreement by all the powers concerned in drafting and execution of policy. A similar arrangement had already strangled effective Allied action in the control of Germany. In an effort to harmonize the views of the powers which have a major interest in Pacific affairs, the United States took the initiative in setting up a Far Eastern Advisory Commission in Washington as a first step toward the creation of a control council for Japan. Russia failed to send a representative to the sessions of the Commission, confining the expression of her views to the normal diplomatic channels. By mid-November the situation was definitely stalemated.

In the meanwhile the reorganization of Japan under General MacArthur's direction proceeded along the lines laid down in the program announced at the time of Japan's surrender. An early step was the severance of Japan's direct ties with the outside world through the closing of her Foreign Ministry and her overseas embassies and consulates. Except for the Emperor, few vestiges of the traditional Japanese political system remained. Even these were subject both to the expression of the Japanese people's will and to final decisions of their conquerors as to whether these institutions will fit into the scheme of a democratic and peaceful Japan. All indications pointed to Japan's political re-emergence as no more than a third rate power. It is not beside the point, however, that the resources available to her will be substantially greater than those she enjoyed at the Restoration of 1868. In the light of the startling progress scored by Japan in less than eight decades from so narrow a base, her political future will not be lightly dismissed by students of world affairs.

TOWARD WORLD SECURITY

GLOBAL VS. NATIONAL SECURITY

The Conflict between the Two Concepts.—The study of six leading foreign governments, just completed, has considered the institutional structure and functioning of each sovereign state. It is more fitting that some of these relations between national states be analyzed within the framework of international government. The reader should observe in the pages that follow that international government has never been sovereign government, and that most of the international attempts at government have faltered before the obstacle of national sovereignty. Yet the attempts have never ended; quite the contrary, they have been ever increasing.

Since even the trained experts in the field of international politics often fail to agree on what the facts mean, it is only fair to outline three major points of difference. One school of thought argues that an International State is in the process of evolution. The national state owes its origin to the conflict between feudalism and the city-states. Should we agree then that the struggle of national states against other national states and their satellites will finally result in the birth of the International State? This is a far-reaching conclusion, depending as it does on the rationality of man. Others argue that states and civilizations pass through a life span of infancy, adolescence, maturity, and senility, to perish at the end of the cycle. Projected into the future, such a fatalistic philosophy rejects the possibility of man's ability to capitalize on past mistakes and to avoid the pitfalls which have swallowed earlier civilizations. The third group of students of affairs insists that there is no discernible pattern for the long run. Their view begins with the assumption that some national states are stronger than others, that it will always be so, and that national self-interest should therefore guide a people to swim with the strongest current in international politics. Inherent in that concept is the acceptance of human perversity which at best can be directed along the paths of opportunism toward secur-

ing for a state the largest possible share of the world's goods and services, regardless of the effects of such a policy on other states and peoples.

Within the compass of the present chapter only the more important actions in history looking toward world security can be considered, and these, moreover, are sketched in brief outline. The discussion places its major emphasis on the present hour, when man's conquest of the scientific secrets of Nature gives him at once the means for swift, complete self-destruction and for the advancement of human welfare to a level never before deemed possible.

EARLY IDEAS OF INTERNATIONAL COOPERATION

First Steps; the Ancients.—The League of Nations and its World War II successor, the United Nations Organization, are not the first attempts to establish an international organization for the preservation of peace. The antecedents of such efforts are deeply rooted in the past. Four centuries before the Christian era the ancient Greeks, after sensing the dangers inherent in particularism, made definite attempts to establish the machinery of federation as a means of preserving the peace among their city-states. From that time forward the problems of inter-state, regional, and even larger-scale organization have challenged the imagination and constructive thought of intellectual leaders the world over. The growth of the concept was by no means continuous. The time gaps which separated the successive efforts to achieve stabilized security by agreement, in contrast with the unilateral "Pax Romana," often extended over centuries.

Medieval and Early Modern Efforts.—The medieval period, with its almost continuous warfare on a petty, though ruinous, scale, records the Church's efforts to alleviate the situation of the victims of this state of affairs by imposing the *Peace of God* and the *Truce of God*. Some seven hundred years later, in the early seventeenth century, the Duke of Sully persuaded his monarch, Henry IV of France, to propose his "Grand Design" General Council of Europe as a means for the preservation of peace. Patterned on the ideas of the ancient Greeks, it aimed at the maintenance of peace through international collaboration on the removal of the causes of war. National ambitions proved too strong to permit the "Grand Design" to get beyond the talking stage. The "Grand Design" is said to have inspired in large measure one of the first great texts in international law, Grotius' *On the Laws of War and Peace*. It also inspired the *Project for Perpetual Peace*, published by the Abbé de St. Pierre in 1713, and through him, the Russian Tsar Alexander I's idea of a universal Holy Alliance. Grotius, whose work was published in 1625, proposed periodic conferences of the powers in which

international difficulties could be adjusted. He endorsed the principles of compromise and arbitration, but, being more interested in humanizing warfare, suggested no complete plan for international organization. In spite of the scorn with which St. Pierre's ideas were greeted by the critics of that period, it nevertheless contained persuasive arguments for international organization. The Abbé saw that the private wars of medieval times had been abolished only to be supplanted by greater and more terrible conflagrations between national states. An armed league, ever ready to resist or destroy aggressors against the system of balance of power, was prescribed by him as the antidote to perpetual conflict. However, this idealistic proposal encountered more criticism than support. In particular it brought down the scorn of Rousseau, who thereafter addressed himself to his own broad solution, enunciated in his *Social Contract*.

Penn's State of Europe.—William Penn embodied his conclusions on peace between nations in his *Essay Toward the Present Future Peace of Europe*, drawn up in 1693. Its chief importance lies in its embodiment of the substantive ideas on international organization, arbitration, and peace which later were used as bases for the plans of other seekers of world security. Penn was convinced of the futility of war and declared that "by the same rule of justice and prudence by which parents and masters govern their families, and magistrates their city, and estates their republics and princes and kings their principalities and kingdoms, Europe may obtain and preserve peace among her sovereignties." Penn proposed a sovereign parliament or state of Europe, admitting that the use of force would sometimes be necessary to combat the recalcitrance of states.

Kant's Federal Republic.—At the close of the eighteenth century, the great German philosopher, Immanuel Kant, entered the arena with an essay, *On Perpetual Peace*, in which he outlined an international system constructed on a philosophical basis. Kant believed that the enlightened self-interest of peoples provided a philosophical basis for peace, the abolition of war being ultimately guaranteed by nature itself through the forces inherent in human desires. The two principal political ingredients of his thesis are found in the prescription that the civil constitution of every state must be republican, and that the law of nations must be established and enforced by a federation of free states embracing all the world's peoples.

The Holy Alliance.—The depredations of Napoleon's France gave rise, after Waterloo, to the birth of the Holy Alliance, proposed by Tsar Alexander of Russia. Whatever else may be said about its successes and failures, it can be argued that the Alliance, directed primarily against France, was a sort of league of nations. The Tsar, in a letter to his Ambassador in

London, declared: "The sole and exclusive object of the Alliance can only be the maintenance of peace and the union of all moral interests of the peoples which Divine Providence has been pleased to unite under the Banner of the Cross." The Alliance in fact proposed to guarantee to each power such territories as had been allotted it by the Congress of Vienna.

Bentham's and Ladd's Peace Plans.—Jeremy Bentham, the English philosopher, in his *Plan for an Universal and Perpetual Peace*, published posthumously in 1843, proposed the establishment of a world court whose decrees would be enforced by public opinion. Bentham was one of the first to point to the necessity of disarmament as a requisite to international peace.

Notable also among these early apostles of perpetual peace was an American, William Ladd. His *Essay on a Congress of Nations* appeared in 1840, sponsored by the American Peace Society, which Ladd had founded in 1828. His plan called for a congress of ambassadors, to be assembled for the purpose of settling the principles of international law by compact and agreement in a mutual treaty, and a court of nations to arbitrate and judge such cases as were brought before it by the mutual consent of contending nations.

Cooperation among National States.—All such abortive efforts to provide a secure basis for international peace were not wholly wasted. If nothing more, they demonstrated the futility of any effort which did not enjoy fairly universal support. And such support could not be had until the separate states had made themselves master over their respective domains. Thus, the rise of the modern sovereign state served the double purpose of promoting the type of warfare which in time became total and of establishing a more solid basis for international agreements. To put it another way, the fully organized modern state could exploit its human and material resources in war as in peace to a degree not possible for the medieval ruler. Wars became correspondingly more destructive, emphasizing in like proportion the need of universal collaboration for security and peace. At the same time international collaboration on non-controversial matters helped to point the way toward a more inclusive concept. Such organizations of the modern era fall into two major groups: (1) unions like the ILO, discussed below, designed to perform administrative tasks, the proper performance of which had to be on an international basis; and (2) political unions designed to solve political problems and thereby to promote the peace. A few of the better known international administrative unions are the following: The International Postal Union, the International Telegraphic Union, the International Health Office, and the International Institute of Agriculture. In each case the functions performed by the organization are technical

and administrative, and in no sense political in character. However, in solving administrative problems, such unions have served to lessen friction between the national states.

MOVES TOWARD WORLD PEACE

The Hague Conferences.—The latter part of the nineteenth century witnessed the beginnings of movements looking toward political unions designed specifically to preserve the peace. At times these movements were world-wide in scope, at others they took the direction of the regional groupings of nations. One of the most significant of such moves, as measured by tangible results, was that leading to the Hague Conferences.

On August 24, 1898, Tsar Nicholas II of Russia issued a call to the nations to send representatives to The Hague to consult on the best means of promoting international understanding and peace. The two Hague Conferences of 1899 and 1907 were of particular importance in that they presented the concept of continuous handling of international problems through successive conferences of states. It is also significant that the participants met to consider such problems, not after a great war, but in the effort to avert one. The Conferences resulted in the adoption of several international conventions governing the laws of war in their application to prisoners, non-combatants, and neutrals. Despite the subsequent violation of those conventions in World War I, the fact that the violators were brought before the bar of public opinion was a step toward developing a universal conscience in the matter of regulations for the conduct of war. In addition, some effort was made to obviate the frictions which later culminated in the outbreak of World War I.

REGIONAL COLLABORATION; THE PAN AMERICAN UNION

Early Efforts to Organize.—The most significant development in this direction occurred in the Western Hemisphere. The history of the Pan American movement dates back to the Congress of Panama in 1826. The American conferences can be divided into two well-defined groups: those held before 1889 and those which came later. In the earlier period neither the United States nor Brazil was represented. Despite the repeated efforts of the Spanish-American republics to create an international organization, the direction of the conferences was too haphazard to produce any institutional basis for an effective organization.

Pan American Conferences.—The First International Conference of American States, which met in Washington in 1889, marks the true be-

ginning of the Pan American system. As a result, since 1890 there has existed a Pan American organization consisting of the Union of American States and its Secretariat—the Pan American Union of Washington. Under the Pan American system some fifty-odd organizations have been created for the performance of specific tasks. To date, more than 160 conferences have been held. The vast majority of them have been called for the handling of technical problems common to the states of the Western Hemisphere. The most important conferences, however, have been the regular International Conferences of American States.¹

In addition, a number of special, but still important, political conferences have been held, such as the Buenos Aires Conference for the Maintenance of Peace in 1936. Under the treaty arrangements agreed to then and during the Eighth Conference at Lima, 1938, a number of major political decisions affecting the maintenance of peace was reached. Special meetings of the American Ministers of Foreign Affairs on the occasion of such gatherings played a vital part in the final results. Today the Pan American system includes a vast network of treaties under which the American nations have undertaken to solve technical problems, perform administrative tasks, and preserve the peace. In 1939, when the shadow of Axis ambitions fell across the Western Hemisphere, these earlier efforts to secure Pan American collaboration made it relatively easy to make common head against the Old World menace. Only the Argentine Republic, dominated by a hard-bitten minority sympathetic to the Axis cause, failed to participate in the execution of joint defense measures.

The highwater mark of Pan American solidarity was reached in the Inter-American Conference on Problems of War and Peace, held in Mexico City (Chapultepec), February–March, 1945. The delegates present were fully conscious of the fact that Nazi and Fascist strategy had counted on fifth column uprisings in the states south of the Rio Grande to establish puppet states subservient to Axis direction, thus converting Latin America into one of the major bases for the final drive against the United States after the Axis had completed its conquest of the Old World. Chapultepec's major objective, in consequence, became an agreement of reciprocal assistance and solidarity to ward off aggressive action by either a non-American state or by one within the Hemisphere system. In addition, a wide range of political, social and economic problems was considered, resulting in agreements which, when translated into action, cannot fail to promote the well-being of the member states.

¹ These were held in the following places: Washington, 1889; Mexico City, 1901; Rio de Janeiro, 1906; Buenos Aires, 1910; Santiago, 1923; Havana, 1928; Montevideo, 1933; and Lima, 1938.

ALLIED COOPERATION, 1914-1918

Attention to International Problems.—The train of events which led to the outbreak of World War I clearly disclosed the inadequacy of the machinery available for the maintenance of peace. The real weakness, of course, lay with forces operating for peace in the face of national ambitions which could be satisfied only through the application of armed force. At the same time the material and human losses suffered by both the belligerents and the more vulnerable neutrals in that war reemphasized the importance of creating a powerful world organization for the prevention of future wars. Consequently, Woodrow Wilson's proposal of a League Covenant fell on ground which included not a few fertile areas. Moreover, by 1919 the exigencies of the war had compelled the Allies to discover and develop the ways and means for effective cooperation in the prosecution of the war.

Economic and Military Cooperation.—The number and geographical distribution of the nations eventually allied in military opposition to the Central Powers in World War I gave rise to many difficult problems of coordination. In part, they were met by the creation of various types of Inter-Allied organizations. Economic problems were handled by such bodies as the Allied Maritime Transport Council, the Inter-Allied Food Council, and the Inter-Allied Munitions Council. After the defeats suffered by the Allies in France in the spring of 1918 and Italy's disaster at Caporetto, a unified command was agreed upon, and France's Marshal Ferdinand Foch was given supreme command of the Allied forces. In the latter period of the war various proposals were offered looking to the maintenance of the Inter-Allied war machinery during the stage of reconstruction and peace, as a rudimentary international organization to handle administrative problems of an international character. The Inter-Allied economic organizations were superseded by the Inter-Allied Council of Supply and Relief, and this body in turn gave way to the Supreme Economic Council. Despite the efforts to continue the collaboration after the war, the states soon fell back into the old groove of nationalistic policies, pursued with ever-lessening regard for the common good of all. One asset saved from the wreck of the original hopes was the war experience in collective action, embodied in the machinery of the League of Nations Secretariat for the handling of international administrative problems. Moreover, the war-time agencies furnished much of the personnel which manned the administrative agencies of the League.

THE LEAGUE OF NATIONS

The United States and the League.—It is important to remember that although the United States Senate on November 19, 1919, rejected the Treaty of Versailles together with the Covenant of the League of Nations, and that the result of the Presidential election of 1920 apparently endorsed the Senate's action, non-membership of the United States in the League of Nations did not prevent her from collaborating repeatedly with the League after 1923 in the handling of international problems. Despite the fact that a substantial percentage of American voters regarded the question of the League and European security as none of the nation's concern, certain questions with international implications could not be ignored. As a consequence, the United States in 1923 began to send unofficial observers to those meetings of League committees which were concerned with non-political questions. In addition, delegates were sent to League conferences in 1924. By the end of the decade American representatives had participated in more than forty League gatherings of one kind or another. Far from remaining completely isolated from the world during the early post-war period, the United States signed nine draft conventions having to do with traffic in narcotics, slavery, and forced labor. In fact, as the period of World War I retreated into the background, the United States increasingly threw what weight it could on the side of cooperative efforts to prevent another great war whenever crises arose to threaten the general peace. Needless to say, self-imposed restrictions on her range of action reduced greatly the effect of United States diplomacy.

The substance of the formal opposition in the United States to full-scale collaboration with other powers for the preservation of world security is fairly disclosed in the reservations to the League Covenant introduced by the Senate opposition: (1) the United States should not accept the obligations inherent in Article X, whereby the nation would have been obliged to assist in preserving against external aggression the territorial integrity and political independence of all members of the League; (2) the United States should specifically reserve the right of withdrawal from the League; (3) the United States should specifically reserve the power to decide what questions came within its domestic jurisdiction, hence those lying outside League jurisdiction; and (4) the United States should refuse to admit League competence in questions arising out of the Monroe Doctrine.² On the other hand the platforms of both major

² The final vote recorded 57 votes for the Treaty with reservations (34 Republicans, 23 Democrats), to 39 against it (15 Republicans, 24 Democrats). It was thus defeated by the operation of the two-thirds rule.

parties and the actions of subsequent administrations refuted the oft-expressed view that the United States, by its postwar stand on the League, had isolated itself from world affairs.

Structure of the League.—The Covenant of the League of Nations, as embodied in the Treaty of Versailles, established a system of international organization. Its most numerous body was the Assembly, in which each of the member nations of the League was given equal representation and a single vote. Secondly, a Council was provided for, consisting of five permanent and four—later nine—non-permanent members. As originally planned, the permanent members were to be France, Great Britain, Italy, Japan, and the United States. The non-permanent members were to be chosen by the Assembly. The Council was empowered to draw plans for disarmament, indicate methods to be employed in protecting member states from aggression, mediate cases involving nations, and receive reports from mandatory powers. The decision of the Council, in order to become effective, had to be unanimous in most cases. In addition to Assembly and Council, the League had a Permanent Secretariat, established at Geneva, to administer its affairs. Provision was also made for a Permanent Court of International Justice (the World Court) to settle disputes between nations. Part XIII of the Treaty of Versailles provided for the creation of the International Labor Organization as a part of the League system.

The signers of the treaties and the members of the League pledged themselves to support the following principles: (1) "to respect and preserve against external aggression the territorial integrity and existing political independence of all members of the League"; (2) to recognize "the friendly right of each member of the League to bring to the attention of the Assembly or of the Council any circumstances whatever affecting international relations which threaten to disturb international peace or the good understanding between nations upon which peace depends"; and (3) to impose economic penalties, or sanctions, upon nations which waged war in disregard of their promises to submit their disputes for arbitration or judicial settlement. The Council might recommend to members of the League the adoption of military measures against aggressor nations.

The International Labor Organization (ILO).—Separate from the League, but a part of its system, the International Labor Organization (ILO) was established for the purpose of solving through international action the problems of labor. Membership in the League carried with it membership in the ILO but states could become, as did the United States in 1934, members of the Labor Organization without becoming members of the League. Despite the collapse of most of the League's machinery

with the approach of World War II, ILO has survived and continues to function.

Distinctive features of the International Labor Organization are a general Conference, held at least once a year, and the International Labor Office (administrative organization), which is controlled by the Governing Body. Representatives of governments, employers, and workers make up the personnel of both the Governing Body and the Conference. In the Conference each state is represented by four persons (two, government; one, employer; one, labor). The Governing Body consists of 32 persons (16, government; 8, employer; 8, labor), chosen by the Conference. Eight of the Government members of the Governing Body must come from the states of chief industrial importance.

The International Labor Office is primarily a fact finding, research, and publication agency. It assembles data for the use of the Governing Body and the Conference and issues reports on labor conditions. Both directly and indirectly ILO's operations help to eliminate friction arising from industrial and labor relations, thus performing an important function in the promotion of international harmony. The ILO has prepared and submitted to the state-members for ratification more than fifty draft treaties dealing with labor standards, and has prepared and distributed to the member states some fifty recommendations. By January, 1941, 50 states had registered 879 ratifications of the 67 separate conventions proposed to 1940 by ILO, with the result that 46 of those conventions had come into force.

The Permanent Court of International Justice.—Despite the bitter opposition in 1920 to the entry of the United States into the League of Nations, the platforms of both major American political parties in 1925 called for affiliation with the Permanent Court of International Justice, a League instrumentality, and the House of Representatives went on record that year as favoring American membership. In 1927 the Senate adopted a resolution in support of United States participation in the Court, although with five reservations. Of these reservations the more important specifically disavowed our direct association with the League and placed limitations on the power of the Court to issue so-called advisory opinions.

The fifty-one countries, parties to the protocol establishing the Court, were willing to accept most of these reservations except the one relating to advisory opinions. It was necessary, therefore, to arrive at new compromises. Both President Hoover (in 1930) and President Roosevelt (in 1935) requested Senate ratification. Although a majority of the Senate was favorable in 1935, the vote taken on January 20 lacked seven of the required two-thirds majority.

THE KELLOGG-BRIAND PACT

A Pledge to Outlaw War.—The interest of the United States in outlawing war took a legalistic turn in 1928 when, together with France, it initiated the program embraced by the Kellogg-Briand Pact. As a result of the efforts of Secretary of State Frank Kellogg and Premier Aristide Briand of France, the principal nations of the world signed in Paris in August of that year a pact aimed at the outlawing of war. Denouncing war as an instrument of national policy, the pact pledged the signatories to settle all disputes, whatever their nature, by pacific means. In effect, it constituted a statement of high principle, and an innovation in the concept of basic law between nations. Lacking provisions for either military or economic measures to be taken against an aggressor, it became in due time no more than an unenforceable mandate governing international behavior.

WAR AND PEACE IN THE THIRTIES

High Tide of the World Peace Movement.—Hopes for world peace reached their zenith in the early thirties. The League had scored a number of minor successes in the settlement of issues between small states which might have led to war. A world-wide drive for universal disarmament was scheduled to open in Geneva. The leading naval powers had found a way to scale down their fleets through agreements which likewise put a check on new construction. Nevertheless, the fundamental conflicts of national desires, heightened by the world economic crisis and depression precipitated in 1929, were pushing the world toward a new global war. In the light of later events, the cooperative measures described below appear now as no more than short-range palliatives.

International Financial Relief.—President Hoover, as head of the principal creditor state involved in the multilateral problem of war debts and reparations, took the initiative in 1931 toward declaring a one-year moratorium of "all payments on intergovernmental debts . . . both principal and interest." Hoover's life-net proved to be no stronger than gossamer, as one national default after another crashed through it to the hard rock of bankruptcy. Payments did indeed cease, not to be resumed except in isolated instances. The lasting importance of the Hoover proposal lies in his sincere effort to solve a problem of the highest international importance through global approach and procedure.

Limitation of Naval Armaments.—Similarly, during this period, the United States took the initiative in the general endeavor to find a solution

to the over-all problem of limitation of armaments. The American government was host to the first great postwar conference on limitation of armaments—the Washington Naval Conference of 1921–1922, marking the first serious effort in modern times to reduce the armaments of leading sea powers in the interests of world peace. The agreements reached included the scrapping of a number of capital ships either afloat or building, a holiday in their construction to 1931, and the establishment of capital-ship ratios for the five leading naval powers in the following ratios: United States—5, Great Britain—5, Japan—3, France—1.67, Italy—1.67. This ratio was based on the idea of giving these powers security in their respective areas only. Most of the effect of that move was lost when the United States alone among those powers embarked on a true naval construction holiday. Keeping to the letter of the agreement, the other powers steadily expanded the “non-treaty” elements of their fleets. When the Geneva Naval Conference, held in 1927 at Washington’s insistence, failed of restrictions on the construction of cruisers and smaller types, the United States countered with a construction program of her own. It produced partial results in agreements reached in the London Naval Conference of 1930 by Britain and the United States on the matter of cruiser construction. By that time, however, Japan was demanding parity in fleet strength with her two leading rivals. She was no longer content with security in her own area. As for Italy and France, their growing rivalry led them to abstain from the agreement. And Japan, denouncing the treaty a few years later, embarked after 1936 on an all-out naval building program.

From 1926 on, in accordance with the provisions of the League Covenant that the Council was to formulate plans for general reduction of armaments, an international commission worked on the larger aspects of this problem. The Council had, however, found it difficult to make serious headway, since neither Russia nor the United States was a member of the League. Their cooperation was indispensable but not easy to secure. Nevertheless, during the innumerable discussions concerning qualitative and quantitative methods of naval reduction the views of the American government were made clear, and the subcommittee which in due course recommended the establishment of a fact finding commission at Geneva included an American member.

Limitation of All Armaments.—The report drafted in 1930 by the Special Commission of the League of Nations on the limitation of armaments, after five years of study of the problem, was little more than an expression of pious hopes. Nevertheless, the political forces in the League’s membership supporting the drive for world peace through disarmament were suc-

cessful in securing League action to provide for a general conference on the problem. To Geneva in 1932 came the delegations of the League's member nations; with them were the delegations of Soviet Russia and the United States, both non-members. Like the efforts of the earlier Special Commission, those of the Disarmament Conference ended in failure, principally because the delegates concerned themselves only with the instrumentalities of war, rather than its fundamental causes. Even in that relatively limited sphere, it became impossible to agree on just what constituted arms, that is, military power. It is strikingly significant that, as shown by subsequent events, each of the five major disarmament programs considered, submitted by as many powers, would have operated to the definite military advantage of the sponsoring power. To the American citizen, the active participation of the United States is no less significant, foreshadowing its more objective action during and after World War II.

Efforts to Curb Japanese Aggression.—When on September 18, 1931, Japanese aggression in Manchuria challenged the whole concept of collective security, the United States led the way in the attempt to block this clear violation of the League Covenant, the Kellogg-Briand Pact, and the Washington Treaties of 1922.

Shortly after the Japanese had launched their attack, the United States Minister to China reported to Secretary of State Henry L. Stimson that there was every evidence that it had been accomplished with cynical disregard of Japan's obligations under the Kellogg-Briand Pact. The League of Nations immediately undertook consideration of the Manchurian problem, and Secretary Stimson instructed the United States Consulate at Geneva to inform the Secretary General of the League that it was most desirable that the League in no way relax its vigilance and in no way fail to assert all its pressure and authority toward regulating the action of China and Japan. The American Secretary of State further stated that the United States, acting independently, would "endeavor to reinforce what the League does" and would make clear its keen interest in the matter and its awareness of the obligations of the disputants under the Kellogg-Briand Pact and the Nine-Power Treaty, "should a time arise when it would seem advisable to bring forward these obligations." In identical notes to China and Japan, the United States on October 20, 1931, called attention to their obligations under the Kellogg-Briand Pact, and expressed the hope that they would refrain from measures which might lead to war and that they would agree to a peaceful method for resolving their dispute.

Although the Japanese government stated that it desired to continue

friendly relations with China and that it had no territorial designs on Manchuria, it nevertheless continued military operations, and by the end of the year had destroyed the remaining administrative authority of the Chinese Republic in South Manchuria. As a consequence, the United States on January 7, 1932, notified both the Chinese and Japanese governments that it would not admit the legality of any *de facto* situation nor would it recognize any treaty or agreement entered into between the two governments which might impair the treaty rights of the United States or its citizens in China. It further stated that it would not recognize "any situation, treaty, or agreement" which might be brought about by means contrary to the obligations of the Kellogg-Briand Pact. In accordance with this "non-recognition" policy this country refused to recognize the Japanese puppet government which had been established by the Japanese in Manchuria.

By early 1932 the hostilities between China and Japan had spread to the Shanghai area. At this point the Japanese government requested the United States to use its good offices in stopping hostilities. In response, this country made the following proposals on February 2, 1932: (1) all acts of violence on both sides should cease; (2) no further preparation for hostilities should be made; (3) the combatants of both parties should withdraw from the Shanghai area; (4) neutral zones should be established for the protection of the International Settlement at Shanghai; and (5) upon acceptance of the foregoing, immediate negotiations should be undertaken to settle all outstanding controversies between Japan and China with the aid of neutral observers or participants. This same proposal was made to the two governments by Great Britain, France, and Italy. Although promptly accepted by the Chinese government, the proposal came to nothing, because of Japanese refusal to accept the second and fifth points. The Secretary of State then proposed to the British government that the United States and Great Britain issue a joint statement invoking the Nine-Power Treaty and the Kellogg-Briand Pact, making clear that the two governments considered these treaties fully binding, and stating that they would not recognize the validity of any situation created in violation of them.

The government of Great Britain did not accept the Secretary's suggestion. It did, however, introduce a resolution into the League Assembly on March 11, 1932, which was unanimously adopted and bore a strong resemblance to this government's proposal. In part, it stated that "it is incumbent upon the members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris."

This resolution, in effect, recognized the Stimson doctrine of "non-recognition."

The Lytton Report.—Concurrently, the League had formally adopted a resolution creating a special commission to investigate on the spot the whole conflict between China and Japan. The Lytton Commission took its name from its British chairman, Lord Lytton. France, Germany, Italy, and the United States were also represented. After a thorough investigation, during which time Japan was extending and consolidating her conquests and had formally recognized her puppet state of Manchukuo (Manchuria), the Commission brought in a report which was adopted by the League Assembly on February 24, 1933. It declared that Japanese military operations in Manchuria could not be regarded as legitimate measures of self-defense, that the regime which the Japanese had instituted there was not in accord with the wishes of the people of Manchuria, and was inconsistent with the fundamental principles of existing international obligations. One day later Secretary Stimson informed the Secretary General of the League that the United States was in substantial agreement with the findings and conclusions of the League. Censured by an overwhelming vote in the League Assembly, Japan on March 27, 1933, gave notice of its intention to withdraw from the League. In the final denouement of Japan's fourteen-year drive for undisputed control of the Pacific and East Asia culminating in her Pearl Harbor attack, the United States assumed and maintained the military leadership in the counter action, just as it had earlier taken the diplomatic lead.

Italian Aggression in Ethiopia.—Japanese aggression was not, however, the only threat to the world's peace at this time. Two major European states were also actively engaged in preparations for conquest. It is only too clear that the failure of the League and associated powers to restrain Japan emboldened both Italy and Germany in embarking upon adventures which led immediately to World War II. As early as September, 1934, the United States Ambassador at Rome, Breckinridge Long, reported to the Department of State on the apparently extensive preparations for war against Ethiopia then being made in Italy. As the aggressive intent of the Italian state became clear, both Secretary of State Hull and President Roosevelt expressed the attitude of this country toward the impending hostilities. They particularly stressed, in direct conversations with the Italian Ambassador and in a personal appeal to Premier Mussolini, that a war between Italy and Ethiopia would be a world calamity adversely affecting the interests of all nations.

A United States embargo on the export of arms to the belligerents,

instituted immediately after the outbreak of war, October 3, 1935, in accordance with the provisions of the Neutrality Act of the same year, not only failed to halt Italy but actually operated to her advantage. As pointed out by the political opposition to the bill in the Congress, the defender in such a situation—always the weaker nation—is almost certain to stand in greater need of such imports than the aggressor. Diplomatic efforts to secure combined action by the League against Italy were equally unavailing, and in 1936 Ethiopia was added to the Italian Empire. At the crucial hour, Britain and France were unwilling to impose the drastic, unlimited economic sanctions which alone would have compelled Italy to abandon her scheme of aggression. Like the Manchurian incident of a few years earlier, Italy's conquest of Ethiopia threw the spotlight on the fatal weakness of any peace preservation plan which stops short of the use of force in a crisis. The statesmen who sat in the League of Nations could not commit their countries to any line of action which would seriously restrict an aggressor on the warpath. The United States in the meanwhile had withdrawn into deeper isolation with the passage of the Neutrality Act. Like our refusal to recognize the Italian conquest, the effect was, for the time being at least, purely negative. Behind the statesmen who won universal condemnation for their failure to stay the new school of aggressors there stood in each case an electorate overwhelmingly in favor of any policy which would avoid the use of force.

The Spanish Civil War.—A bare two months separated Italy's conquest of Ethiopia from an even more serious test of the little stability remaining in Europe. What began as an internal struggle between Spain's Fascists and their opponents in August, 1936, soon developed into the thinly concealed alignment of the European forces which were to fight it out for supremacy in 1939-1945. The United States remained relatively aloof, a consequence of the joint resolution passed by Congress prohibiting the export of arms and munitions to the belligerents.

Germany Comes to the Fore.—Germany's intervention in the Spanish Civil War gave notice that henceforth she was a military power to be reckoned with in any move on Europe's political chessboard. The three years that had passed since Adolf Hitler had established himself as dictator of the Reich witnessed her withdrawal from the League, the Nazis' vigorous denunciation of its policies and actions and repeated declarations of the Nazi determination to achieve for Germany a status in world affairs in keeping with their estimate of her importance. In October, 1936, the League found itself definitely confronted by a rival, the Rome-Berlin Axis, a union which was committed, among other things, to the drastic revision of the treaties

which terminated World War I. The successive steps which engulfed Europe and thereafter most of the world's nations in a global war have been reviewed in previous chapters. Certain inescapable implications of these events, however, demand repetition. To begin with, the rise of the Axis marked the rejection of the thesis of world peace through the joint agreement of equals. In its place, Hitler and his partners threatened to impose by force of arms a peace of slavery, no less extreme in its implementation than that which had characterized ancient Assyria's rule nearly three thousand years ago. Secondly, the temporizing, truth-dodging mood of Geneva led to repeated efforts at appeasement of the Axis long after it should have been clear that nothing except armed force could curb the aggressor. The early victims of the Axis were, in fact, beaten before Hitler sent his armies into Poland.

Disaster as a Basis for Collaboration.—The shameless general abandonment of Czechoslovakia by the League in her mortal crisis stirred long dormant moral chords the world over. To millions of ardent supporters of peace it brought the realization that peace could not be kept in the long run by default of action. Last hour pleas by President Roosevelt to the heads of the governments represented in the Munich Conference proved unavailing. The holocaust which followed is no part of this account except as disaster led the statesmen of the United Nations to seek a more realistic approach to the joint problems of world security and peace. That development, however, became possible only after the years from 1939 to 1942 had seen the democratic peoples more than once on the brink of final collapse. They witnessed, moreover, the fall of the United States to the nadir of its influence in world affairs since the day of her emergence as a great power.

United Nations Collaboration.—The common peril of the United Nations led promptly to collaborative efforts in the prosecution of the war. The neutrality of the United States initially prevented her substantial participation in those efforts even though such neutrality became increasingly benevolent to the United Nations cause with each advance of the Axis toward its goal. Pearl Harbor ended the self-imposed restraints on United States collaboration. Thereafter joint action of the Allies became truly joint in a sense and to a degree never reached in World War I. Initially the common effort was directed almost entirely toward the destruction of the Axis' military power. But even at the outset, and increasingly thereafter, attention was given to the long-range problem of creating through joint agreement a global political organization fully empowered to maintain world peace. The first step in that direction, in fact, preceded the

The Atlantic Charter, August 14, 1941

Joint declaration of the President of the United States of America and the Prime Minister, Mr. Churchill, representing His Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

- 1, Their countries seek no aggrandizement, territorial or other;
- 2, They desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned;
- 3, They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them;
- 4, They will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity;
- 5, They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing, for all, improved labor standards, economic advancement and social security;
- 6, After the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance that all the men in all the lands may live out their lives in freedom from fear and want;
- 7, Such a peace should enable all men to traverse the high seas and oceans without hindrance;
- 8, They believe that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

entry of the United States into the war by several months, when President Roosevelt and Prime Minister Churchill announced in August, 1941, the Atlantic Charter of "certain common principles in the national policies" of their countries "on which they base their hopes for a better future for the world." The base of that pronouncement was broadened on January 1, 1942, when twenty-six governments pledged their total resources to the struggle against the Axis, thus bringing the United Nations into being.

The Coordination of the United Nations' Strategy.—The major drive of the United Nations fell of necessity on three leading military powers,—the United States, Soviet Russia, and Great Britain. Together with China and France, they achieved increasingly efficient military coordination. The most concerted and continuous effort to create a combined strategy was developed by Combined (Anglo-American) Chiefs of Staff, established February 6, 1942. At the highest level, the leaders of the Allied Nations met from time to time to settle major problems in the field of grand strategy, with all its ramifications of politics, war production and distribution, and finance. Out of those meetings came such decisions as the pooling of all the resources available to the United Nations³ for the common effort; likewise the agreement to give first priority to the destruction of the European Axis, leaving for the Pacific campaigns only enough military force to contain Japan—and a bit more. By January, 1943, the United Nations' military prospects had reached a stage where the heads of the United States and British governments, in conference at Casablanca, could announce unconditional surrender of the Axis powers as their objective, and proceed to the draft of plans for the accomplishment of that end. In August of the same year China's representatives met in Quebec with the government heads of Britain and the United States to agree on further plans, including an increase of military support for China. Three more conferences in the same year (Moscow, October; Cairo, November; Teheran, November-December) helped to provide the blueprints of military victory. Plans for the final drives which knocked Germany and Japan out of the war in quick succession were similarly previewed at Quebec, in September, 1944; at Yalta, in February, 1945; and at Potsdam, in July, 1945.

The above summary outlines only in the rough the most ambitious and widely ramified organization ever achieved, or even attempted, for a com-

³ The success of the U. S.-Canadian Permanent Joint Board for the defense of North America, created in 1940 and followed by the pooling of the two nations' economic resources for military purposes, pointed the way for the later, larger-scale combinations. A United States-Mexican Joint Defense Commission, established in 1942, was a further step in the right direction.

mon end. In its implementation it called for combined representation and coordination in all spheres of war activity and in all fronts, not excluding the home fronts. It led to such gatherings as the International Food Conference at Hot Springs in 1943, where critical studies of actual and potential production the world over resulted in plans and action affecting the world's total food supply for some years after the end of hostilities. Combined planning brought into being Anglo-American boards empowered to maintain direct control over such items and fields as raw materials, munitions, shipping, food, production, and distribution of the United States and the British Commonwealth of Nations. Indirect control, at least, was likewise established over the United Nations as a whole.

The Drive for a Stabilized World.—As indicated above, the problem of lasting peace and security early injected itself into the councils primarily concerned with the prosecution of the Allied Nations' grand strategy. The Moscow Conference of Foreign Ministers both broadened the base enunciated in the Atlantic Charter and laid down the details of a plan for restoring democratic principles of government in Italy and Austria, once they had been freed of the Axis yoke. The Declaration of Four Nations⁴ on General Security produced by the conference guaranteed, among other things, "international peace and security with the least diversion of the world's human and economic resources for armaments." In addition it promised to establish as soon as possible "a general international organization, based on the principle of the sovereign equality of all peace-loving states, large and small, for the maintenance of international peace and security." In the Fulbright Resolution, passed by the United States House of Representatives on September 21, 1943, and the Connally Resolution, passed by the Senate on November 5, 1943, this country strongly endorsed the principles and objectives laid down at the Moscow Conference.

The Cairo Conference, with Soviet Russia absent, gave effect to such principles when it announced peace terms for the Far East. Specifically, China was assured that all of the lands which she had lost to Japan's aggression since 1894 would be restored to her. Korea, the pronouncement declared, would "in due course become free and independent." And Japan was to "be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War, in 1914." In substance those declarations forecast Japan's return to her territorial status as of the time of her emergence from isolation in the middle of the nineteenth century.

Each of the subsequent conferences of Allied Nations' heads contrib-

⁴ The United States, Great Britain, the Soviet Union, and China.

uted something to the evolution of the broad plans previously laid down for world stabilization. Of chief importance in this connection were certain decisions reached at the Crimea (Yalta) Conference, as announced on February 11, 1945. Assurance was given the people of Europe's liberated states and former Axis satellite states that necessary emergency relief would be provided by the United Nations, to be followed by aid in establishing independent governments broadly representative of all democratic elements in the populace. Looking further ahead, the conferees recognized the foundations laid down at the Dumbarton Oaks Conference, held in Washington in the fall of 1944, for an international organization to maintain peace and security, noting at the same time that the Dumbarton Oaks conferees had failed to agree on voting procedure. The Yalta agreement removed that road block, announcing at the same time its summons to a United Nations Conference beginning April 25, 1945, at San Francisco. A harsh note broke the harmony when the conferees departed from the principles of the Atlantic Charter in the settlement of the Polish issue. Poland's eastern boundary was set approximately on the "Curzon Line" of 1919.⁵ Compensation for her loss of territory to Russia was promised Poland in the form of substantial accessions in the north and west, including western and southern East Prussia, Pomerania, and Silesia.

THE UNITED NATIONS ORGANIZATION

Elements in the United Nations Organization.—The international organization planned for the period to follow World War II differs from the League of Nations in many respects. Whereas the League was created at one time by the treaties of peace and its organization was outlined in the single covenant of the League, the new United Nations Organization consists of a number of institutions, each created by separate treaties.

The Charter of the United Nations Organization, signed at San Francisco on June 26, 1945, provides for an international peace and security organization. The organization came into being on October 24, 1945, when the Charter was ratified by the adherence of the twenty-ninth nation. Under its charter, UNO will execute its functions through the machinery of six principal organs and various subsidiary agencies. The senior agencies are the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the International Court of Justice, and the Secretariat.

⁵ Established by the Supreme Council of the Western Allied Powers at Versailles. Rejected by Poland, who made good her claim for considerable territory east of the line by defeating Soviet Russia in the Russo-Polish war (1919-1920).

The General Assembly.—The General Assembly is composed of representatives of all member nations of the Organization. Each member nation has one vote. Decisions on important questions require approval by a two-thirds vote of the members present and voting. The Charter provides that the important questions requiring a two-thirds vote are those relating to the making of recommendations affecting the maintenance of international peace and security, the election of non-permanent members of the Security Council, the election of members of the Economic and Social Council and of the Trusteeship Council, the admission of new members, the suspension of rights and the privileges of members, expulsion of members, questions relating to the operation of the trusteeship principle, and budgetary matters. The General Assembly is empowered to discuss any question coming within the scope of the Charter or relating to any of the powers or functions of the organs of the organization. With one qualification, the General Assembly may make recommendations on all such questions. The qualification is that it shall not make any recommendation regarding a dispute, during the time when the Security Council is exercising its functions with respect to that dispute, unless the Security Council so requests.

The Security Council.—The Security Council consists of eleven members. Of these, five are permanent—China, France, the Union of Soviet Socialist Republics, United Kingdom, and the United States. The remaining six are non-permanent members elected for two years each, except that in the first election three shall be named for a term of one year and three for a term of two years, so that thereafter three of the non-permanent members will retire each year. Each of the members of the Security Council has one vote. Decisions on procedural matters are to be made by an affirmative vote of seven members. On other matters decisions are to be made by an affirmative vote of seven members, provided the concurring votes of the permanent members are included among them.

The Security Council is charged with the primary responsibility for maintaining international peace and security. All members of the organization promise to make available to the Security Council, on its call and in accordance with a special agreement, the assistance, armed forces and facilities required for the maintenance of international peace and security.

The Economic and Social Council.—The General Assembly elects this body, consisting of eighteen members of the organization. The term of office is three years, with six members elected annually except that the first election will provide for equal numbers of one-, two-, and three-year terms. Each member of the Council has one vote. Decisions are made

by a majority vote of the members present and voting. Acting under the direction and supervision of the General Assembly, the Council is charged with the task of promoting higher standards of living, full employment and conditions of economic and social progress and development, promoting solutions of international economic, social, health, and related problems, as well as international cultural and educational cooperation, and promoting universal respect for an observance of human rights and fundamental freedoms. The Council is empowered to conduct studies, make recommendations, draft conventions for submission to the General Assembly, and call international conferences.

In operation, the Economic and Social Council will function through various specialized agencies established by intergovernmental agreements, such as the Food and Agriculture Organization, the International Civil Aviation Organization, the United Nations Relief and Rehabilitation Administration, the International Monetary Fund, the International Labor Organization, and such other international organizations as have been or may be set up within the purview of the Council.

The Trusteeship Council.—Membership in this body is equally divided between members of the organization which administer trust territories and those which do not, each member having one vote. Decisions are made by a majority of those present and voting. Acting under the General Assembly, the Trusteeship Council is charged with the responsibility for supervising the administration of dependent peoples and of helping them toward self-government or independence. The Charter defines trust territories as those inhabited by dependent peoples which may be placed under the authority of the United Nations Organization by subsequent trustee agreements. The trusteeship system is intended to apply to the territories under the League of Nations mandate system, to territories which may be detached from enemy states, and to territories voluntarily placed under the system by nations responsible for their administration.

The International Court of Justice.—As a judicial organ of the United Nations Organization for the settlement of legal controversies, the Charter provides for the creation of the International Court of Justice. The functions of the Court are set forth in the statute which is annexed to and made an integral part of the Charter. All nations which are members of the United Nations Organization are, by virtue of that fact, parties to the statute of the Court. A state which is not a member of the organization may become a party to the statute and have access to the Court on conditions to be determined in each case by the General Assembly, upon recommendation of the Security Council.

The Secretariat.—The Secretariat, including a Secretary General and such other personnel as the United Nations Organization may require, is provided as the operating staff of the organization for the performance of day-to-day administrative tasks. Personnel is to be chosen from among the members of the organization. The Secretary General is appointed by the General Assembly, on the recommendation of the Security Council. In addition to his purely administrative duties, he has authority to bring to the Security Council's attention any questions which in his opinion involve international peace and security.

The Military Staff Committee.—In addition to the six principal organs, the Charter authorizes such subsidiary organs as may be found necessary. Of chief importance in this category is the Military Staff Committee, operating under the direction of the Security Council to advise and assist the Council on all questions relating to military requirements. It is also charged with the duty of employment and command of forces placed at the Council's disposal, the regulation of armaments, and the supervision of any disarmament measures which may be agreed on. The Committee is made up of the chiefs of staff of the permanent members of the Council—the Big Five—or their representatives. Any member of the United Nations Organization may be asked to serve with the Committee when such service is deemed necessary for the efficient discharge of the Committee's responsibilities.

Scope of UNO's Powers.—Even the brief summary above indicates that UNO is in no sense the superstate pictured by one school of critics. Its authority does not threaten the sovereignty of any state unless the right of military aggression is deemed a concomitant of sovereignty. Actually the objective is the protection of each state within its own boundaries and proper sphere. Disputes arising between two or more states are to be adjudicated on their merits before hostilities are precipitated. Study and research in the meanwhile will be turned toward economic and social problems of common interest to all peoples, particularly when they tend to create conditions of international unbalance. If the UNO concept attains fulfillment, not only war but the frictions which in the past have led to war will be anticipated, judged, and removed. Such at least is the high purpose of the men who brought UNO into being. The weakness of its machinery, a weakness which in the hard test of future events may invalidate the entire concept, lies in the procedural rule under which any member of the "Big Five" may block both vote and discussion in the Security Council on any issue of prime interest to that member. In effect such a rule operates to remove from the purview of UNO authority the

Declaration By United Nations, January 1, 1942

A Joint Declaration by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, South Africa, Yugoslavia.

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of the United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland dated August 14, 1941, known as the Atlantic Charter,

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

Declare:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

Done at Washington, January First, 1942

NOTES:

This Declaration was signed by representatives of the governments above listed on January 1, 1942. Subsequently the following nations communicated their adherence to the Declaration on the dates given below:

Mexico	June 5, 1942	Ecuador	Feb. 7, 1945
Philippines	June 10, 1942	Peru	Feb. 11, 1945
Ethiopia	July 28, 1942	Chile	Feb. 12, 1945
Iraq	Jan. 16, 1943	Paraguay	Feb. 12, 1945
Brazil	Feb. 8, 1943	Venezuela	Feb. 16, 1945
Bolivia	Apr. 27, 1943	Uruguay	Feb. 23, 1945
Iran	Sept. 10, 1943	Turkey	Feb. 24, 1945
Colombia	Dec. 22, 1943	Egypt	Feb. 27, 1945
Liberia	Feb. 26, 1944	Saudi Arabia	Mar. 1, 1945
France (GPRF)	Dec. 26, 1944		

frictions and disputes arising between the major powers. So doing, it leaves untouched the most potent hazard to lasting peace.

On the other hand, once the leading powers have reached substantial agreement on an issue which threatens peace from any quarter, UNO will be in a far stronger position to maintain peace than was possible under the League of Nations. As a last resort, and after the failure of persuasion and other forms of pressure, UNO's international military police will, in theory at least, move to curb the aggressor. Under the same theory, there should be no need of such unilateral and supplementary acts as France's chain of alliances in Eastern and Southeastern Europe after World War I, a line of action taken by that country in default of the security she had hoped to gain from the League. In other words, regional groupings for military purposes are rendered unnecessary under a system which provides security on a global basis. Such, at least, is the far-reaching view of UNO's protagonists. True, the opening session of the Preparatory Commission of UNO on November 23, 1945, could not fail to hear the demands from statesmen on both sides of the Atlantic that the single-member veto rule in the Security Council must go before world security can become a healthy infant. At the very least such demands indicate that the hard realities are not being sidestepped.

COLLABORATION ON ECONOMIC PROBLEMS

The Fields of Investigation.—As UNO was designed to deal with political and military problems, so the development of other agencies was found necessary to investigate, plan, and act in various economic fields where international cooperation is indispensable to the common good. Among the most important are those concerned with finance, food production and distribution, relief for the war devastated areas, and aviation.

UNRRA.—The United Nations Relief and Rehabilitation Administration came into being November 9, 1943, with a mandate to restore viable living conditions in areas liberated from enemy control, or which might be liberated in the future. Though backed by the votes of 44 nations, it necessarily depends for its resources on those which enjoy substantial surpluses. The approved formula calls for the annual appropriation by each signatory state of one per cent of its income. By August, 1945, approved contributions had reached a total of two billion dollars. Actual appropriations, subject to legislative action in each member country, lagged well behind that figure.

The administration of UNRRA is organized on a basis which is both functional and regional. At its head is a Director-General who is nomi-

nated by the Central Committee of UNRRA and appointed by the Council of that body. It is hardly necessary to point out that most of the gigantic task of rehabilitating the devastated areas must be accomplished by the people themselves. UNRRA serves to relieve the most acute want, and thereafter provides its backing for the peoples' self-help programs. Seed, fertilizer and farm equipment to restore productivity to the Old World's farms; livestock to replace or augment depleted herds and flocks; locomotives, freight-cars, and trucks to restore transportation; machine tools and equipment for industrial plants—these are a few of the major items which UNRRA is providing to put the Old World back on its feet. In addition, aid has been given in the assembly, care, and repatriation of the many millions of displaced persons in Europe and the Far East. It is no exaggeration to state that untold numbers of the war's victims could not have survived but for UNRRA aid. The test of its efficacy will not be clear until the harvests of 1946 have been gathered in the Old World.

United Nations Conference on Food and Agriculture.—As UNRRA was designed to deal with a specific and relatively temporary emergency, so the conference which assembled at Hot Springs, Virginia, in June, 1943, concerned itself primarily with the long-range problem of adequate food and nutrition for all peoples. The preamble of its declaration declares the organization as being "determined to promote the common welfare by furthering separate and collective action on their part for the purposes of: (1) raising levels of nutrition and standards of living of the peoples under their respective jurisdictions, (2) securing improvements in the efficiency of the production and distribution of all food and agricultural products, (3) bettering the conditions of rural populations, and (4) thus contributing toward an expanding world economy." Whenever UNO becomes fully operative it is anticipated that the functions of this organization will be taken over by the Economic and Social Council of the larger body.

The Bretton Woods International Monetary Proposals.—No part of the world's economic structure was more seriously damaged during the war than the financial machinery of both the belligerent and the neutral nations. Partial anticipation of this result had led the United States and Britain to lay the foundation in 1941 for conferences on international monetary problems. The spade work was done during the visits of foreign representatives to Washington, as well as to London, for bilateral talks with experts in those capitals. The culmination of these exploratory talks was the United Nations Monetary and Financial Conference, July 1-22, 1944, at Bretton Woods, New Hampshire.

With bankruptcy at hand or just around the corner for many of the

44 nations gathered there, measures that involved a high degree of economic cooperation seemed both necessary, and likely to succeed. The most important single fact faced by the conference was that world economic convalescence depended directly upon the exchange of goods and services. This exchange in turn depends on the facilities for settling current trade balances and the extension of long term credit by those nations which are able to export capital. World economic convalescence would be long delayed without such facilities, but more important, the conditions which helped to foster economic nationalism and imperialism would still remain to plague the world. The Bretton Woods proposals would by no means solve the latter problem; they were merely intended to remove some of the incentives to economic nationalism and imperialism. If these proposals are adopted by the participating nations, the risks of bad debts will then be spread more equitably, and the external machinery of cooperation and consultation will be conveniently established.⁶

The main proposals can be conveniently divided into two parts: The International Monetary Fund and The International Bank for Reconstruction and Development.

The International Monetary Fund.—The two main purposes of the Fund are the following: (1) to reduce exchange risks through exchange stability, and (2) to reduce the incentive to destructive trade practices.

The capital quota, if all nations subscribe, would be \$8.8 billions, of which the United States would contribute \$2¾ billions, or 31¼ per cent. The Fund would thus be a great pool of all currencies. A debtor might then take his own currency or gold to the Fund and buy the proper currency to pay a creditor in another country. Each nation, however, would contribute one-fourth of its quota in gold or dollar balances. This is implicit recognition that the greatest demand will be for balances acceptable in the United States, the principal single source of goods and services in the postwar world. In return for access to this international monetary pool and the possible extension of credit, the members must agree not to vary the value of their currency by more than 10 per cent without special approval. They also must agree not to engage in such practices as competitive exchange depreciation, special currencies, or bilateral trade agreements like Germany's prewar barter deals. The elimination of such practices is wholly desirable, yet the heaviest obstruction to the free international flow of goods and services—the tariffs—still remains.

⁶ By the fall of 1945, only the United States had formally signified its intention of participating.

The International Bank for Reconstruction and Development.—The two most important purposes of the International Bank are implied in its title: (1) to make loans for the construction and reconversion of peacetime facilities in war-torn countries, and (2) to make loans for the development of facilities and resources in backward countries. Although the Fund is intended to be a revolving fund for settling current trade balances, and incidentally extending short term credit, the International Bank is designed solely to extend credit. This credit is extended in two forms: first, direct loans by the International Bank from its own capital, and secondly, guarantees of loans made by other agencies. The capital quota is \$9.1 billions, of which the United States quota is \$3.175 billions, or 34.8 per cent. An initial proportion of 20 per cent of the total quota would be set aside for direct loans, and 80 per cent for guarantees. The assumption here is that the International Bank would prefer to reinforce the established channels of lending by guarantees, rather than create new channels. Neither the Fund nor the International Bank is empowered to deal directly with private persons, but only through some agency specified by each nation. These national agencies would then deal with private parties. The International Bank would normally handle poor risks, since only those loans that are too doubtful for established lending agencies would reach the Bank for consideration. An exceedingly nice touch would be necessary to steer the Bank's policies between the extremes of refusing all poor risks and being the international Santa Claus.

Administration.—Both a Board of Governors and their Executive Directors would be created separately for the Fund and the International Bank. Policy would be determined by the respective Boards of Governors. Individual nations would have a voting power on the Board of Governors nearly proportionate to their capital quotas. This would assure the United States, the U.S.S.R., and the United Kingdom of majority control if they were to act in unison. The ability of the Fund and the Bank to function is primarily dependent on the ability of the great powers to cooperate. If the international trend is toward blocs, then sterling blocs, dollar blocs, and other blocs will probably supplant the Fund. If the Bank is operated under such conditions, it might conceivably become a tool for strategic lending to enhance the power of the members who dominate the Bank policies. The failure to cooperate will be felt in more than just this, the international monetary field.

The International Civil Aviation Organization.—The tremendous technical stimulus given to aviation by the war, while at the same time international discussion and agreements were being limited to purely strategic

matters, resulted in the accumulation of a huge volume of unfinished business for the diplomats. Two items alone, namely, the opening of scores of new air routes to parts of the world hitherto closed to modern traffic, and the amazing evolution in planes suitable for air transport, left it clear that the prewar impediments to free use of the air must be revised if the world was to reap the dividends of wartime technical advances. As a first step toward international cooperation for the common good the United States called an international conference which convened in Chicago, in the late fall of 1944. Except for the Soviet Union, the Argentine Republic, Saudi Arabia, and the enemy states, all the world—54 states—participated in the conference.

The most signal accomplishment of the conference was the transit agreement, colloquially described as the “two-freedoms agreement.” It gives accepting states the unlimited right of passage for planes of each state through the air-space of every other; also the general right to interrupt the plane’s passage for refueling or mechanical attention. General acceptance would ensure the universal use of air as a medium of communication to an extent which has never been possible for the other two media, land and sea.

The second major achievement of the conference was its approved plan for an international aeronautical organization on far broader lines than those of its predecessors. Two phases for the effectuation of the plan were provided for. An interim agreement was arrived at to pave the way for a Provisional International Civil Aviation Organization, the latter to become active as soon as 26 states accepted the compact and Interim Agreement. By June 6, 1945, representatives of 51 states had signed the Interim Agreement and 30 had formally ratified both Agreement and compact. This Provisional Organization will remain in existence for three years unless the projected permanent body begins operations before the end of that period. The Council of the Provisional Organization held its first meeting at Montreal on August 15, 1945. One vacant seat has been reserved for Soviet Russia, looking to the day when that power decides to participate in this most important field of international intercourse.

In specifying the functions of both the provisional and permanent bodies, the Chicago Conference gave them fairly broad advisory powers over air traffic rules, air safety regulations, pilots’ licenses, and similar problems. Their powers over the essentially economic aspects of air transport, such as international air routes and commercial airline operation, are also advisory but considerably more limited. The principal duties of both these organizations are the study of problems of international civil aviation, the collection, analysis and reporting of information relating to air transport

and navigation, and advice to the member states. Actually, neither organization has the power to enforce its technical regulations or to give effect to its recommendations on air transport. On the other hand, the operation of its machinery will make it possible to disclose the identity and nature of nationalistic obstructionism which may arise to interfere with the proper development and use of modern aviation, thus indirectly exercising a lever on the obstructionist.

In both structure and functions the two organizations closely resemble each other. Both consist of an Assembly, a Council with its subordinate committees, and a Secretary General. In each case the Assembly gives equal representation to every member state and possesses broad discretionary powers as well as control over the organization's finances. The Council, in each case, consists of twenty-one member states elected by the Assembly on the basis of their importance to air transport, their contribution to air navigation facilities, and the geographic areas they represent. It is the most active part of the organization since it is in continuous session and possesses more varied and definite functions than the Assembly. It may appoint the Secretary General, control the subordinate committees, foster technical regulations and study as well as direct research on costs, tariffs, subsidies, the international ownership and operation of airlines and other aviation matters. The Secretary General is the chief executive of the organization.

THE ATOMIC BOMB; STABILIZER OR DESTROYER

Over every parley bearing on the stabilization—or, in its place, the final ruin—of modern civilization hangs the knowledge of the most revolutionary scientific discovery of all time. To a degree never before approached, man now holds the power of instant destruction of his enemies—and of himself. The same source of energy, if used only for beneficent ends, promises to enhance to a degree which can hardly be imagined man's control over Nature, with a corresponding enrichment of the human lot. How the secret knowledge is to be used has thus become the single most important question facing today's statesmen.

For the time being, only a handful of the scientists of three countries—the United States, Great Britain, and Canada—know the secrets of atomic fission. These scientists declare, however, that it is a matter of a few years at most before independent research in other countries will arrive at the same knowledge. There is thus no way of preventing in the long run the use of the atom bomb for purposes of aggression unless common knowledge and international agreement provide the strictest controls over the develop-

ment and use of atomic energy. A frank proposal on the internationalization of all scientific developments, including the secrets of atomic energy, was made by Prime Minister Clement R. Attlee to the government heads of United States and Canada early in November, 1945. His three-point program was announced as follows:

That the United States, Great Britain, and Canada, the three holders of the bomb secret, agree to share all the information on atomic energy with the members of the Security Council of the UNO.

That all future scientific discoveries be shared by members of the United Nations.

That the three countries yield their information on atomic bombs only if they receive iron-clad guarantees that the other nations will work, with honesty and frankness, in cooperation with the UNO.

General agreement among the leaders of the three proponent powers on the above formula was followed by arrangements looking to the sharing of scientific knowledge for industrial purposes as soon as the necessary safeguards had been formulated by a commission representing the United Nations Organization. President Truman announced his opinion that the commission should be elected by the General Assembly of UNO. The most formidable hurdle necessarily lay in the safeguards desired, and in the reaction to be expected from Soviet Russia.

One hope remains from the disappointments created by the mounting obstacles to firm international agreements and action for the preservation of world security. War stimulates man's cooperative activity for the preservation of peace in proportion to the losses suffered from war. In the present instance devastation surpassing anything previously recorded in history was capped in the final hours of combat by the evidence that the use of science's newly developed weapons in the settlement of international disputes can lead only to the beggared survival of the combatants. If there ever was a test of the rationality of man, the control of atomic power for the good of all mankind presents that test. Once its import is understood, outside the relatively narrow circle of statesmen, scientists, and soldiers who are making it their first concern, the pressure for basic agreements which alone can ward off the final catastrophe of civilization should move toward the goal which till now has been denied humankind by mistaken and exclusive self-interest.

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INDEX

- Act of Settlement, 1701, British, 5, 10
- Action Party, Italy, 133, 137, 144-145
- Adriatic, 107, 129
- Afghanistan, 237
- Aggression, Axis, 77, 316
 - efforts against, 49, 53, 302, 305, 308, 310, 323, 330-331
 - German, 49, 52
 - Italian, 130, 314-315
 - Japanese, 245, 293-294, 312-314
- Agriculture, British, 19, 29
 - German, 164, 192
 - Italian, 107
 - Soviet Russian, 203, 207, 223
 - Vichy France, 86
- Albania, 114, 129-130, 150
- Alexander I, Russia, 301-302
- Alexandria, 87
- Algeria, 71, 73, 90, 95, 101
- Algiers, 56-57, 92, 94
- Alliances, regional, 325
- Allied Commission, Italy, 139-142, 148
- Allied Control Council (AC), 152, 190-192
- Allied Far Eastern Commission, 55
- Allied Maritime Transport Council, 306
- Allied Nations (*see* United Nations, Western Nations)
- All-Russian Soviet Congress, 197
- All-Union Central Committee, Soviet Union, 213, 214, 216, 223
- All-Union Communist Party, Bolsheviks, 209-219
- All-Union Conference, Communist Party, 216
- All-Union Congress of the Soviets, 203-205, 213-214, 216, 223
- All-Union People's Commissariats, functions, 222-226
- Alps, Italian gains, 107
- Alsace-Lorraine, 101, 154, 187
- American Ministers of Foreign Affairs, meetings of, 305
- American Peace Society, 303
- American States, conferences and unions of, 305
- Amoy, China, 288
- Anglican Church, 13, 15, 40
- Anglo-American armies, 90, 100-102, 131, 133, 148, 187
- Anglo-American Boards, 319
- Anglo-American-Soviet conferences, 240
- Anglo-Egyptian Treaty, 1936, 43
- Anglo-French Committee of Coordination, 78
- Anglo-French Parliamentary Committee, 78
- Anglo-French Workers War Council, 78
- Anglo-Japanese Treaty, 1902, 294-295
- Anglo-Russian Treaty, 1942, 103
- Annam, 72
- Anti-Comintern Pact, 50, 130, 184
- Anzio, 138
- Appeals, Court of, British, 32
 - French, 70, 96
 - Italy, 120
- Appasement, Allied policy of, 50-52, 76, 186, 238
- Areas, Soviet, 203, 209-210, 213, 228-229
- Argentine Republic, 305, 329
- Aristocracy, Japan, 248-254, 258, 260
- Armaments, limitation of, 310-312, 323
- Aryan race, 159, 163, 165, 169, 173
- Asia for the Asiatics, 293, 297
- Asia, Central, Russian penetration, 235
 - Japanese conquest of, 288, 291, 293
- Asiatic people, 288, 293
- Asiatic Soviet Republics, 209
- Assize courts, British, 32
 - French, 70, 96
 - Italian, 120
- Assyria, Ancient, 316
- Atlantic Charter, 53, 239, 317, 318-320
- Atlantic Ocean, 73, 79
- Atomic bomb, 297
- Attlee, Clement, 29, 31, 54, 240, 330-331
- Attorney-General, U.S.S.R., power and functions, 230
- Australia, armed forces, 44, 46, 53-54
 - government of, 34, 41, 43
- Austria, 148, 159
 - French zone of occupation, 101-103
 - German invasion of, 76, 130, 169, 176, 183-184, 187
 - Italian relations, 106-107
 - United Nations on government of, 242, 319
- Autonomous Republics, Soviet Russia, 209
- Communist Party, 213
- Autonomous Soviet Socialist Republics, government of, 228-229
- Aviation, 325, 328-329
- Axis, British concessions to, 50-52
 - creation of, 76, 184, 315-316
 - destruction of, 131, 186-187, 297, 318-319
 - Eire's relationship with, 40
 - vs. France, 50, 89, 90, 92-93
 - Italy with, 50, 105, 109, 130
 - military power, 316
 - satellite states, 320
 - start of World War II, 53
 - United Nations vs., 186
 - vs. Western Hemisphere, 305
- Baden, Germany, 87, 89
- Badoglio, Pietro, 131, 135-136, 150
- Badoglio Regime, 132-139, 147, 150
- Bahamas, 43
- Balance of power, armed league vs., 302
 - Europe, 48, 104, 184, 235
- Balfour Report, British, 41
- Balkan States, Axis vs., 76, 131, 179
 - postwar settlement, 55
 - Russian invasion, 235, 239
- Baltic Sea, 182, 187, 235
- Baltic States, 188, 238
- Bank of England, 29
- Bari, 137
- Beaverbrook, Lord, 20, 29
- Belfort, 87, 101
- Belgium, 154
 - German invasion, 54, 78, 186-187
 - neutrality, 76
 - Ruhr occupation, 74

- Belgrade, 187
 Belluno, 151
 Benthall, Jeremy, 303
 Berlin, United Nations in, 157, 174, 182, 186, 188, 190, 192
 Bermuda, 43, 53
 Bessarabia, Soviet acquisition, 239
 Bevan, Aneurin, 29
 Beveridge, Sir William, 30
 Bevin, Ernest, 29
 Big Five, The, 323
 Bilateral trade agreements, 327
 Bill of Rights, 1689, British, 5
 Birth rate, French, 102
 Japanese, 291
 Polish, 188
 Soviet, 188
 Bizerte, 90
 Black Dragon Society, 283
 Black Ocean Society, 283-284
 Blackpool, 30
 Black Sea, 235
 Black Shirts, Fascist, 123
 Blackstone, Sir William, 35
 Bohemia-Moravia, 184, 187
 Bolshevik Party, 209
 Bolshevik Revolution, 1917, 199, 202, 218, 228, 236-237
 Bolsheviks, 195, 197, 211, 219, 236-237, 243
 Bolzano, Italy, 129, 151
 Bonaparte, Napoleon (*see* Napoleon I)
 Bonomi, Ivanoe, 137, 142-143, 145
 Bonomi Regime, 142-144, 146, 148
 Bordeaux, 79, 80
 Boroughs, county, British, 36
 Bourbon Kings of France, 58
 Bracken, Brendan, 29
 Brandenburg, 174
 Braunau, 159
 Brazil, 304
 Brazzaville, 100
 Bremen, 174, 190
 Brenner Pass, 130, 151
 Brest Litovsk, Treaty of, 237
 Bretton Woods International Monetary proposals, 326-328
 Briand, Aristide, 310
 Britain, definition of, 4
 (*see* Great Britain, United Kingdom)
 British armed forces, structure and composition, 8, 11, 13, 20, 27, 45-46, 50, 238
 dominion defense, 42, 44
 World War II, 43, 53-54, 82, 93, 100-101, 135, 188
 British Commonwealth of Nations, 11, 31, 41, 44
 World War II, 53-54, 319
 (*See also* members listed separately)
 British Empire Air Training Program, 46
 British Empire-Commonwealth, definition of, 4
 structure and composition, 4, 38-44
 (*See also* members listed separately)
 British-French Empire consolidation plan, 79
 British government, administration, 15-17
 background and structure, 3-4
 elections, 30-31
 executive organization, 9-21
 judiciary, 5-6, 9, 12, 14, 19, 31, 33
 legislative organization, 3, 6-9, 12, 17-18, 21-27
 local, 35-37
 principles of, 8-9
 self-government, 3, 39
 British Guiana, 53
 British Guinea, 43
 British Isles (*see* United Kingdom)
 British law, 5-8
 (*See also* English law, Common law and British government, judiciary)
 Budapest, 187
 Buddha, teachings in Japan, 248
 Buddhism, Japanese political influence, 256-257, 266
 Buenos Aires Conference, 305
 Bukovina, Soviet acquisition of, 239
 Bulgaria, German control, 186-187
 Soviet censorship, 243
 Burma, 17, 288
 Byzantine Empire, 194
 Cabinet, British, functions and powers of, 4, 8
 12-14, 16, 18, 21, 25-28, 31, 39, 44, 48, 267
 French, 73
 French Daladier, 78
 French Provisional Government, 95-96
 French Reynaud, 79
 French Third Republic, 59, 61, 63, 64-67
 French Vichy, 83
 Italian Badoglio, 131-132, 136-138
 Italian Bonomi, 142-143
 Italian Corporate State, 126
 Italian Fascist, 109, 113, 115, 117, 119
 Italian Parri, 144-146
 Italian Social Republic, 150
 Japanese, 260, 262-263, 267, 269-271, 283, 290
 Nazi German, 162, 167-169, 181
 Weimar German, 155-156, 158
 Cabinet agencies, Japanese, 272-273
 Cabinet Planning Board, Japanese wartime, 271-272
 Cairo Conference, 1943, 297, 318-319
 Cambridge University, 23
 Camerouns, British, 43
 French, 72, 90
 Canada, 94, 330
 status, 34, 41
 Capital, export of, 327
 Fascist Italy, 124
 Capital quota, International Bank, 327-328
 Capital ships, ratio for, 311
 Capitalism, Fascists vs., 110
 Karl Marx, 196, 198-199
 Nazi German, 164
 Soviet Russia vs., 200, 202, 205
 Caporetto, 306
 Caroline Islands, 287, 293
 Casablanca Conference, 1943, 79, 91-92, 297, 318
 Caspian Sea, 235
 Cassation, Court of, France, 70
 Italy, 119, 120
 Nazi German, 172
 Cassino, 138
 Catholic Center Party, German, 156
 Catholic Church, France, 99
 Catholic Communist Party, Italy, 144
 Catholic Popular (Centrist) Party, 128, 133, 198
 Catholicism, Italy, 128
 Caucasian People, Russian Revolution, 196
 Caucasian Republic, 209
 Caucasus, Russian invasion, 235
 Cavour, 106
 Center, parties of, French, 64-65
 Central Cooperative Council, Japan, 290
 Central Europe, 49, 235, 239
 Central Powers, 106, 129, 306
 Ceylon, 43
 Chad, The, 90
 Chamber of Fasces and Corporations, 113, 117-119, 124, 126, 132
 Chamberlain, Neville, 19, 26, 50, 53, 184
 Chancellor, German, 153, 155, 260
 Hitler as, 160-161, 176
 Chancery, British courts of, 32, 35
 Channel Islands, 40
 Chapultepec, 305
 Charles Albert, King of Sardinia-Piedmont and Savoy, 113
 Charter Oath, 1868, Japan, 259
 Chautemps, Camille, 78
 Cheka (*see* All-Union People's Commissariats)
 Chen Kung-po, 287
 Chetniks, Yugoslav, 240
 Chiang Kai-shek, 288, 297
 Chicago, 329-330
 Chief of State, Vichy France, 82, 85
 China, Communists, 288
 early influence on Japan, 248, 254

- China, Japanese control of, 48, 54, 264-265, 271, 275, 281, 287-288, 291, 293, 295, 298, 313
 puppet states, 287-288, 313
 Republican, 288
 Russian pacts, 237, 242
 United Nations, 186, 295, 297, 318-319, 321
 Chinese Communist government, 298
 Chinese Republic, 313
 Choshu, clan, 251, 255
 Christian Democratic Party, Bonomi, 133, 137, 142, 145
 Christian era, 301
 Christian Party of the Left, Italy, 144
 Christianity, Japan, 249
 Chungking, 288
 Chungking government, 298
 Church, Germany, 164, 192
 Italy, 108
 medieval peace efforts, 301-302
 Soviet Russia, 199, 205
 Church of England, 11, 26
 Church of Scotland, 26
 Churchill, Winston, foreign affairs, 52-54, 91-92, 138, 240, 297, 318
 government, 19-20, 26, 28-31, 44
 Civic Chambers, GPCR, 96
 Civil List, British, 11
 Civil rights, British, 5, 38, 195
 French, 71, 87
 Holland, 195
 international, 322
 Italian, 128
 Japanese, 257-258, 279, 280
 Nazi German, 161, 163, 173
 postwar Germany, 193
 Soviet government control, 204-205, 207, 212, 230
 Weimar German, 156
 Civil service, British, 20-21
 French, 68
 German, 169-171
 Italian Fascist, 117
 Japan, 260, 271, 273
 Civilian Volunteer Corps, Japan, 284, 291
 Clans, Japanese, 248-249
 Class distinctions, Japan, 259-260
 Classless Society, Marx, 198-199, 218
 Cochín-China, 72
 Collaboration, economic UNO, 325-330
 Franco-German, 85
 regional, 304-305
 United Nations, 53, 240, 316-320
 United States with League of Nations, 307
 world, 244
 Collaborationists, French, 92
 Colonies and dependencies, British, 39, 43-44, 72
 Comintern (*see* Third International)
 Commanders-in-Chief, Allied, 190-192
 Committee of National Liberation (CNL), 142-144
 Committee of National Liberation of North Italy (CLNAI), 144
 Committee of Party Control, Soviet Communist Party, 214
 Common law, British, 6, 9, 34-35, 70
 Nazi German, 161
 Commons, House of, 4, 6, 13-15, 17, 20-28, 30, 36, 40
 Communes, Italian, 127, 146
 Communications, British, 38
 French, 87
 German postwar, 192
 Italian, 128, 141, 147
 Japanese, 248, 280, 286
 Nazi German, 155, 164, 168, 173
 Soviet Russia, 206-207, 217
 Communism, Japan, 259
 Marxist, 198, 244
 Soviet Russia, early history, 199-202
 Communist Party, British, 28-29
 France, 63-64, 71, 77-78, 91, 97-98, 104
 Germany, 157, 160-162, 179
 Italy, 128, 133, 137, 143, 145
 Communist Party, OGPU, 223
 RSFSR, 209
 Red Army control, 234
 Russian, powers of, 199-202, 209-210, 217
 Russian government control, 203, 210, 222, 225-226, 229
 Soviet organization, 211, 213-214, 217, 231
 Soviet Russia, 209-219
 Communist Party, Soviet Russia, youth organizations, 216-217
 Stalin, 218-219
 Communist Parties, Soviet Russian foreign policy, 47-48, 109, 156, 159-160, 236
 Communists, Chinese, 288
 Conciliation courts, Italy, 120-122
 Condominiums, British, 39, 43-44
 Conferences, Allied Nations, 318
 (*See also* listed individually)
 Congo River, 72
 Confucianism, Japanese influence, 247-248, 256, 257, 266
 Congress, United States, 18, 54, 309, 315
 Congress of Nations, Ladd, 303
 Congress Party, India, 42
 Connally Resolution, 319
 Conscription, British, 45-46
 Japan, 284
 Conservative Party, British, 19-20, 22, 28-29, 52
 Constantine, Prince, 196
 Constantinople, 194
 Constituent Republics, USSR, 203, 206-210, 213, 221-223, 226-229
 Constitution, British, 5-9, 21, 113, 261
 French, 58-59, 80, 95-96
 German Imperial, 153
 German Weimar, 155-156, 161-162, 165, 177
 Irish, 40
 Italian, 113, 136, 146
 Japanese, 246, 260, 261-266, 268-269, 275-276, 280
 Prussian, 260
 Soviet Russia, 202-206, 207, 210, 219, 225-226, 228, 230, 233
 Tsarist Russia, 196
 United States, 9, 38, 261
 Consultative National Assembly, Italy, 146
 Contrat Social, Rousseau, 302
 Control Associations, Japanese, 272
 Control Council, UNO, 103-104
 Control Staff, AMG Germany, 192
 Cooperation, Allied military, 306, 318
 British-American, 53-55
 economic, 306, 328
 international, 29-30, 55, 300-304, 329, 331
 Japanese inability, 294
 national states', 303
 regional, 304-305
 Co-prosperity Sphere of Greater East Asia, 293-294
 Corfu, 129
 Corporate State, Italy, 132
 Corsica, Italian relations, 77, 90, 135, 148, 150
 Council, League of Nations (*see* League of Nations, Council)
 Council of Foreign Ministers, 103, 138-139, 148-149
 Council of Ministers, French, 65-67
 Council of Ministers, Italy, 137, 145-146
 Council of Nationalities, Soviet, 219-220
 Council of People's Commissars, Soviet organization and powers, 220-222, 226-228, 233
 Council of State, French, 70
 Council of the Union, Soviet, 219
 Councils, Japanese government, 290
 Counties, British, 36
 German, 173-174
 Courts (*see* Judiciary under countries listed separately)
 Courts of the First Instance, French, 68
 Credit, 326-328
 Crimea Conference (*see* Yalta Conference)
 Cripps, Sir Stafford, 29, 42
 Croatia, German occupation, 188

- Crown, British, 5, 9, 11-13, 36, 41
 (See also King, British)
 Crown colonies, British, 43
 Cuzon Line, 240, 320
 Cyprus, 43
 Czechoslovakia, foreign relations, 52, 74, 93,
 238-239, 316
 German seizure and control, 52, 76-77, 181,
 183-184, 187, 238
- Dahomey, 72
 Dai Nippon Political Association, 290-291
Daisy, 251-252, 254, 259-261
 Daladier, Edouard, 52, 77, 184
 Dalmatia, Italy, 150
 Danube River, 54
 Danzig, Nazi interest, 52, 176, 186-187
 Darland, Jean François, 82-83, 90
 Dawes Plan, 74, 158
 Déat, Marcel, 85, 87
 Debts, Bretton Woods, 327
 British, 54
 Italian, 107
 war, 310
 Democracy, British, 9-10, 27, 162
 Japan, 263, 265, 268, 275-276, 294
 Karl Marx on, 199, 244
 United States, 162
 Democratic Alliance, France, 64-65, 97
 Democratic Government, British, 3
 Hohenzollern Empire, 153
 Italy, 110-112, 319
 for Japan, 245-246, 291, 298
 Nazi Germany, 156, 159, 176
 postwar Europe, 319-320
 postwar Germany, 193
 Third French Republic, 71
 Democratic Labor Party, 133, 137, 143, 144
 Democratic Party, Germany, 156, 162
 Denmark, German invasion, 186, 188
 Departments and communes, French, 85-86, 99
 Dependencies, British, 39, 43
 Depression, world economic, 1929-1933, 157,
 160, 310
 Deputies, Chamber of, Fascist Italy, 113, 115,
 118
 Chamber of, Italian Badoglio, 132, 136
 Chamber of, Third French Republic, 59-63, 67
 Chamber of, Vichy France, 80, 83
 Dictatorship, Fascist Italy, 106, 113, 115
 Japanese Military, 259
 Nazi German, 162
 Soviet Russia, 198, 200, 203, 205, 217
 Diet, Japan, (see Imperial Diet)
 Directorates, AMG Germany, 192
 Disarmament, Atlantic Charter, 53
 British attitude, 49-50
 France, 49
 German postwar, 193
 Japan, 281, 298
 League of Nations' program, 308, 312
 1930's, 310
 peace requisite, 303
 UNO, 323
 District Courts, Nazi German, 172
 Districts, Nazi German, 174-176
 regional administrative, Japan, 285-286
 Soviet Russia, 203, 209-210, 213, 228
 Dodecanese Islands, 129
 Doernitz, Carl, 182
 Dominions, British, 39, 41-42, 54
 Doriot, Jacques, 85, 87
 Duma, Russian parliament, 196
 Dumbarton Oaks Conference, 1944, 103, 320
- Eastern Asia, Japanese claim, 246, 264, 271, 314
 East Prussia, government, 174
 Polish acquisition of, 320
 Soviet Russia, 187, 190
 Ebert, Friedrich, 156
 Economic and Social Council, UNO, 320-322,
 326
 Economy, Allied Nations, 318
 Atlantic Charter on, 53
 Economy, British, 20, 29, 38, 54
 French, 57, 73, 99, 102
 German, 47, 75, 152, 192
 German Nazi, 161, 163-164
 German Weimar, 156-157
 international problems in, 325-330
 Italian, 105-108, 112, 124, 126, 140, 146, 150
 Japan, 246, 249, 254, 263, 265, 271, 285-286,
 298
 Marxian theory, 198
 Soviet Russia, 203, 207, 209-210, 221, 223,
 237, 243
 Stalin, 201
 United States, 54
 Western nations, 263
 world, 310, 326-328
 Eden, Anthony, 29, 52
 Education, Germany, 161, 168, 192
 Italy, 128
 Japanese District, 285-286
 Soviet Russia, 203, 205, 207, 213, 217
 UNO, 322
 Edward VII, King of England, 10
 Egypt, 43-44, 53, 90
 Egyptian Sudan, 44
 Eighth Conference, Lima 1938, 305
 Eire, government and status, 39-41, 53
 Eisenhower, Gen. Dwight D., 54, 56, 90, 93,
 140, 188
 El Alamein, 131, 186
 El Salvador, 287
 Elbe River, 54, 188
 Elder statesmen, Japan, 263, 267-268, 271
 Electoral colleges, France, 60
 Electoral Law of 1923, 115, 118, 127
 Elite Guard (SS), 168, 178-181
 Emergency Powers Defense Act, 1939, British,
 18, 45-46
 Emperor, Byzantine, 194
 German, 153
 Manchukuo, 287
 Japanese, under Allied government, 265, 287,
 297-299
 appointees, 268-270
 divinity of, 259, 265-266
 gift of Constitution, 261-262
 government of, 246, 254-256, 259-260, 262,
 266, 274
 origin of, 247
 political powers of, 266-268
 position of, 258-259, 298
 under the Shogunate, 249-251
 World War II, 281, 283-284
 Employment, full, 322
 Engels, Friedrich, 198
 England, 4, 40
 Saxon, 34
 (See also Great Britain, United Kingdom,
 British Commonwealth of Nations and
 British Empire-Commonwealth)
 English Channel, 79
 Epuration Commission, 143
 Equity, British, 32, 34
 Eritrea, 129
 Estonia, 186, 237
 Ethiopia, independence of, 148
 Italian invasion and occupation, 49, 76, 109,
 114, 129, 130, 184, 238, 314-315
 Eupen, German occupation, 187
 Europe, Allied invasion of, 186-187
 displaced persons in, 326
 individualism in, 256
 German occupied, 187-188
 Left swing in, 98
 legal systems, 34
 peace maintenance, 50, 183-184, 302
 prewar political situation, 75, 315
 Yalta promises to people of, 320
 (See also Western Europe, Central Europe,
 and countries listed separately)
 European Advisory Commission, French, 103,
 138-139
 Extraordinary Wartime Authority Act, Japan,
 269

- Family, Japanese patriarchal pattern, 246, 258
 Far East, displaced persons, 326
 Japanese domination, 295
 peace terms for, 319
 Russian influence, 48, 234-235
 World War II, 30, 46, 54
 (See also countries listed separately)
 Far Eastern Advisory Commission, 299
 Far Eastern Council, for Japanese government, 265
 Fascism, European, 151, 289-290
 French, 76-77, 85
 Great Britain, 76
 Italian, 105, 132, 159, 165
 Japan, 259, 264
 Pan-America, 305
 Third International vs., 238
 Fascist Corporate State, Italy, 124-126
 Fascist Italian government, colonies, 129
 executive organization, 114-117
 foreign policy, 109, 129-131, 238
 German control of, 149
 judicial organization, 119-122
 legislative organization, 117-122
 local, 126-127
 structure of, 108-131
 territories, 107
 World War II, 109
 Fascist Italy, armed forces, 122, 128-129
 collapse of, 131, 144
 doctrine and tradition, 110-113
 Fascist Party, 142, 146, 149
 collapse of, 132, 151
 organization and structure, 122-124
 origin and early history, 108-110
 youth organizations, 123, 128
 FCNL (see French Committee of National Liberation)
 Federal Council, Hohenzollern, 153
 Federated Mongolian Autonomous Government, 288
 Feudalism, Japan, 247-248, 259-260, 283, 300
 Fighting French (see Free French)
 Finance (see Economy)
 Finland, Allied armistice, 187
 German control, 186
 Russia vs., 232, 237, 239
 Finns, Russian Revolution, 196
 First French Republic, 58
 First International, 218
 Five-Power Naval Treaty, 295
 Five Year Plan, Soviet Russia, 203, 232
 Fiume, Italian claim, 107, 129
 Florence, 138
 Foch, Marshal Ferdinand, 306
 "Folk," Nazi concept, 163-164
 Food and Agriculture Organization, UNO, 322
 Food production, Hot Springs Conference, 319, 325, 326
 Japan, 290
 Vichy France, 86
 Formosa, Japanese government of, 271, 285, 294
 Four Nations, Declaration of, 319
 France, alliances, conferences and treaties, 52, 57, 129, 183-184, 237-238, 295, 308, 310-311, 321, 325
 armed forces, 57, 60, 71-74, 92, 102
 World War II, 52-54, 56, 58, 77-80, 89-90, 92-93, 100-102, 130, 183, 186-187, 238
 bureaucracy, 171
 foreign affairs, 49, 74-78, 89, 92-93, 102-104, 313-314
 German occupied zone, 152, 242
 government of, 35, 56-104, 126
 and Great Britain, 48, 50
 and Italy, 129-130, 139, 141
 Napoleonic, 302
 New Hebrides, 44
 post-World War I Germany, 47, 103, 158, 183
 World War I, 306
 (See also Vichy France, Provisional Government of the French Republic, Third French Republic)
 Franco, Gen. Francisco, 76, 130, 184
 Franco-Prussian War, 58, 106, 153
 Franco-Russian Treaty, 1871, 103, 196
 Frederick William I, King of Prussia, 169
 Free French, 56, 79, 89, 100, 318
 Free trade, 30
 Freedom of speech, press, association, Fascist
 Italy, 110, 114
 France, 71, 87
 Great Britain, 6, 9, 38
 Japan, 260, 280
 Soviet Russia, 205
 Weimar Germany, 156, 160
 Freemasons, Vichy France, 87
 French Committee of National Liberation (FCNL), 56, 79, 89-94, 100, 103, 135
 French Empire, 71-73, 82, 90, 100
 French Equatorial Africa, 72, 87, 90
 French Forces of the Interior (FFI), 94, 101
 French Guiana, 71-72
 French Indo-China, 72, 77
 French law, 58, 61-62, 70, 85
 French Popular Party, 85
 French Revolution, 1789, 57, 64
 French underground resistance movement, 85, 92-94, 96-97, 101
Fuhrer, Der, establishment of, 162
 Hitler as, 159
 Nazi leadership principle, 163-164
 power and functions of, 165-169, 172, 177, 179
 Fujiwara clan, 248, 250
 Fulbright Resolution, 319
 Gamelin, Gustave, 78
 Garibaldi, 106
 de Gasperi, Alcide, 142, 145
 de Gaulle, Gen. Charles, 56-57, 79, 86, 89, 92, 94-95, 99-104, 318
 General Assembly, UNO, 320-323, 331
 Geneva Disarmament Conferences, 49, 75, 183, 310, 312
 Geneva Naval Conference, 1927, 311-312
 Geneva Protocol, 48
 Genro, Council of Elder Statesmen, 268
 George VI, King of England, 10, 51
 German Africa, 72
 German Empire (see Hohenzollern Empire)
 German Labor Front, 178
 German Labor Service, 182
 German Nazi law, 165, 172
 German New Guinea, 43
 German Southwest Africa, 43
 German Workers' Party, 159
 Germany, Albania, 130
 alliances, pacts, 52, 130, 186, 327
 Allied occupation, 188-193, 242, 299
 armed forces, 50, 54, 56, 74-75, 85, 153-155, 162, 165-167, 179-184, 188, 232, 238
 French occupation, 56, 79-80, 82
 Italy, 135, 138, 149, 151, 182
 structure and personnel, 181-182
 denazification of, 193, 242
 foreign policy, 50, 155, 165, 183-188
 France vs., 48, 58, 73, 78, 87, 89-90, 101, 103
 government of, 152-193, 291
 and Italy, 49, 109-110, 133-135, 138, 149
 Japan, 287, 297
 and League of Nations, 74, 129, 183, 314-315
 Pan-America, 305
 postwar status and influence, 55, 152-153
 Soviet Russian nonaggression pacts, 48, 186, 237
 Spanish Civil War, 315
 territorial expansion, 184, 187-188
 in transition, 152-153
 World War I, 47, 74, 154, 159
 World War II, 78, 85, 130, 144, 186-187, 201-202, 219, 233-234, 318
 World War II defeat, 19, 20, 30, 54, 79-80, 152, 168, 182, 188, 240
 (See also Third Reich, Weimar Republic, National Socialist government, National Socialist Party)
 Gestapo, 168, 179-180
 Great Britain, atom bomb scientists, 330
 China, 288, 313-314

- Great Britain, collective security, 48-49, 50
conferences and treaties, 103, 240, 265, 291,
297, 311, 318-319
FCNL, 79, 91, 92-94
foreign policy, 12, 20, 29, 31, 38, 47-55, 184,
238
French alliance, 74, 77-78, 98
German occupation, 152, 242
GPRF, 57, 93, 102
Irish question, 40-41
Italian alliance, 129
vs. Italy, 129, 131, 135, 138, 151
Italy occupation, 139-142
Japanese government, 264-265
Japanese social pattern, 246-7
judicial organization, 31-35
League of Nations, 308
Manchurian question, 295
postwar Soviet alliance, 239, 240, 243
United Kingdom, 3-4, 40
World War II, 109, 183-184, 186-187, 318
Greater East Asia, 287, 293
Japanese Ministry of, 271, 287
Greater Germany, 176-7
Greece, Italian invasion and occupation, 130, 139,
186-187
French alliance, 77
independence of, 52
Greeks, ancient, peace efforts of, 301
Gibraltar, 43
Giraud, Henri Honoré, 90-92
Goebbels, Paul Joseph, 168
Goering, Hermann, 167-168, 174, 182
Goods and services, 327
Gori, Russian Georgia, 218
Gorizia, 129, 151
Governments, definition of, 300
GPRF (*see* Provisional Government of the
French Republic)
Grand Council of Fascism, Italy, 113-117, 118,
123-124, 130-132, 136
"Grand Design" General Council of Europe,
302
Grandi, Dino, 136
Grotius, 301-302
Guadeloupe Island, 71-72
Habeas corpus, writ of, 9, 279
Habeas Corpus Act, 1679, 5-6
Hague Conferences, 139, 304
Haile Selassie, 148
Halifax, Lord, 29
Hamburg, government of, 174
Hango, government, 239
Hanover, government, 174
House of, 3
Hanseatic cities, 174
Hapsburg Empire, 107
Hawaiian Islands, 53, 186
Head of the Government, Badoglio regime, 136
corporate state, 126
Fascist Italy, 115, 119, 122-123
Head of the Government Act, 1925, 115
Henry IV, King of France, 301
Herriot, Edouard, 87
Hessen-Nassau, 174
Himmler, Heinrich, 168, 179
Hirohito, Emperor of Japan, 265, 283
Hiroshima, atom bomb, 297
Hitler, Adolf, 75, 156
biography and rise, 159
collapse of, 182
Communism, 160
as dictator, 237-239, 315
foreign policy, 49, 52, 76, 160, 174, 183-184,
238, 297
Nazi ideology, 163
party discipline, 177, 180
putsch, 157, 159
Third Reich executive powers of, 160-162,
165-168, 172
Weimar Constitution, 177
Hitler Youth, 178, 180
Hizen, clan, 251, 255
Hohenzollern Empire, 153-154, 162, 171, 295
Hokkaido Island, 285, 291, 298
Holy Alliance, Russia, 301-303
Holy Roman Empire, 162
Honor Courts, GPRF, 97
Nazi German, 172
Honshu Island, 247, 291, 298
Hoover, Herbert, 309-310
Hoover Repayment Moratorium, 1931, 158, 183
Hot Springs, Va., Food Conference, 319, 326
Hull, Cordell, 93, 314
Humbert, Prince of Italy, 114, 137, 143
Hungary, Italian claims, 107
postwar settlement of, 55
World War II, 76, 186-187
Imperial Academy of Science, 274
Imperial Conference, Japan, 268, 271
Imperial Council of French Africa, 90
Imperial Defense Conferences, British, 44
Imperial Diet, Japan, 245, 260, 262, 266-267,
271, 273, 290
Imperial Dynasty, Japan, 265
Imperial Family Council, Japan, 267
Imperial General Headquarters, Japan, 281-283
Imperial House Law, Japan, 260
Imperial Household Ministry, Japan, 267-268
Imperial ordinance, Japan, 266
Imperial rescripts, Japan, 253, 296
Imperial Reservists' Association, 283
Imperial Rule Assistance Association (IRAA),
289-291
Imperial Rule Assistance Political Society
(IRAPS), 289-291
Imperial War Conferences, British, 41
Imperial Way (Kodo), 258
Imperialism, British, 29
economic, 327
Fascist Italian, 112
German Nazi, 165
Japan, 283
Independent Labor Party, British, 28-29
Independent Party, British, 19
Independent Socialist Party, Germany, 156
India, armed forces, 44, 46, 54
foreign affairs, 17, 42-43, 71-72
government of, 31, 39
Individualism, Fascist Italy, 112
in Japan, 256
Industry, British, 19, 29, 47
French, 57, 64, 73, 79, 98
German, 156, 161, 164, 192
international relations in, 309, 326, 331
Italian, 106-107, 113, 124, 126, 133, 144, 147
Japan, 246
Soviet Russia, 197, 200, 203, 207, 223, 232,
237
U. S. aid to Russia, 239
Inner Mongolia, Russo-Chinese accord, 242, 288
Inter-Allied Councils, 306
Inter-American Conference on Problems of War
and Peace, 305
International Bank for Reconstruction and De-
velopment, 327-328
International Civil Aviation Organization, 322,
328-329
International Court of Justice, UNO, 320, 322
International Food Conference, 1943, 319
International Health Office, 303
International Institute of Agriculture, 303
International Labor Office, 308-309
International Labor Organization, 303, 308-309,
322
International law, 304
International Monetary Fund, UNO, 322, 327
International Postal Union, 303
International Telegraphic Union, 303
Iran, Russian pact, 237
Iraq, 46
Isle of Man, government of, 40
Isolationism, Japan, 254-255, 261, 294, 315
Soviet, 237-238
United States, 307
Italian Advisory Council, 93, 138-139
Italian East Africa, 129
Italian Empire, territories of, 129, 148

- Italian law, 114, 132-133
 Italian Social Republic, 110, 149-151, 188
 Italy, alliances, conferences, 52, 129-130, 184, 311
 Allied Military Government (AMG), 139-142
 armed forces, 73, 109, 114-115, 132-133, 135, 138, 147
 armistice terms, 133-135, 147, 149
 Ethiopian war, 49-50, 76, 114, 129, 184, 314-315
 France, 79-80, 89, 103
 German relations, 179, 182-184, 187
 government domestic problems, 145-149
 government structure and history, 105-107
 and Japan, 287, 297, 313-314
 League of Nations, 184, 308
 local government, 146
 in transition, 105
 World War I, 106-107, 129, 306
 World War II, 53-54, 77, 79, 101, 114, 130, 186-187, 315
 (See also Fascist Italy, Italian Social Republic, Fascist Corporate State, Italian Empire)
 Ito, Hirobumi, Premier, 260-261
 Ivan the Terrible, 202
 Jamaica, 43, 53
 Japan, Allied defeat of, 269, 272, 318
 Allied Nations control of, 242, 245, 264-265, 280-281, 298-299, 319
 area of, 297
 armed forces, attitude on expansion, 264, 287, 293
 structure and powers, 245, 260, 266-267, 280-284, 293
 authoritarianism, military, 246, 284
 Axis alliance, 50, 130, 149, 165, 184, 186, 295, 297
 early Chinese influence, 248
 equality of, 259, 294
 feudalism, 247-248, 259-260, 283, 300
 foreign policy, 291-298, 311
 French Indo-China, 77
 government of (see Japanese government)
 inequality of man, 256
 invasion and occupation of Manchuria, 48-49, 312-313
 League of Nations, 308, 314
 New Structure of Government, 288-291
 occupied territories, 287-291
 postwar government, 55, 242, 299
 religion, 248, 256-257, 265-266
 Russian threat, 201-202, 232
 social classes, 248-252
 surrender of, 54, 242, 264, 267, 286
 territorial expansion, 264, 284, 288, 291-294, 297
 Tokugawa Shogunate, 250-255
 in transition, 245
 Western political influence, 245-247, 258-259
 World War II, 30, 42, 53, 89, 186, 253
 Japanese Empire, 242, 247, 271
 Japanese government, background of, 245-255
 censorship, 280
 early tribal, 247-248
 executive organization, 262, 265-273
 judicial organization, 246, 262, 276-280
 legislation, 245-246, 262-276
 local, 35, 284-286
 by men not law, 257-259
 religion in, 256-257
 restored Emperor, 259
 Japanese Islands, 254
 Japanese law, 246, 257-258, 260-262, 277-278
 Java, 288
 Jews, Nazi Germany, 159, 161, 179
 as Russian revolutionaries, 196
 Vichy, 87
 Judicature Act of 1873, 34
 Judicial Committee, British, 31, 40, 42
 Judiciary Law of 1938, Soviet, 228, 230
 Junkers, German, 160
 Justice, Court of, French, 96
 Justice, High Court of, British, 32
 Justice, High Court of, GPRF, 96
 Justices of the Peace, British, 32
 Kant, Immanuel, 302
 Karafuto, Japanese government of, 271, 285
 Karelian Isthmus, 239
 Kellogg, Frank, 310
 Kellogg-Briand Peace Pact, 158, 310, 312-313
 Keynes, Lord, 30
 King, British, advisors, 13, 117, 267
 and Crown, 11-12
 creation of peerages, 22
 dominions and territories, 39-42
 and elections, 25
 laws, 119
 position and powers of, 3-4, 6, 8-11, 14, 31
 Italian, 109-110, 114, 131-132, 135, 138
 King-in-Council, definition of, 12
 King's Bench, British, 32
 Kobayashi, Admiral, 290
 Koenig, Pierre Joseph, 93
 Koenigsberg, 190
 Koiso Cabinet, 284
 Konoye, Prince Fuminara, 289, 293
 Korea, independence of, 298-299, 319
 Japanese government of, 271, 285, 294
 Kronstadt, revolution, 197, 235
 Kurile Islands, 285
 Kwantung Japanese army, 287-288
 Kwantung Leased Territory, 287
 Kyoto, 247, 250, 252, 255, 285
 Kyushu Island, 291, 298
 Labor, British, 20
 German, 157, 164, 192
 international relations in, 308-309
 Italian, 120, 124, 133, 150
 Japan wartime, 269, 286
 Soviet Russia, 198, 207
 Vichy, France, 86
 Labor Act, 1926, Italy, 120
 Labor Party, British, 19-20, 28-29, 47, 52
 Labor unions, French, 65
 Japanese, 289
 United States, 124
 Ladd, William, 303
 Lancashire, 36
 Laski, Harold, 29
 Lateran Agreement, 128
 Latvia, 186, 237
 Lausanne Conference, 1932, 183
 Laval, Pierre, 82-83, 87, 89
 Law (see under country or type)
 Law of Election, Japan, 260
 Law of Finances, Japan, 260
 Law on Legal Discipline of Collective Labor Relations, Italy, 124
 Law lords, British, 22, 31-32
 Law on Municipal Order, Nazi, 173
 Law for the Protection of the People and State, Nazi, 173
 Laws of War and Peace, Grotius, 302
 Leader, Il Duce, Fascist Italy, 110, 122-123
 Nazi German (see *Fuhrer, Der*)
 League of Labor and Defense, Soviet Russia, 233
 League of Nations, appeasement policy, 76, 183, 315-316
 Assembly, 48, 313-314
 vs. Axis, 315
 British support, 48-49
 Council, 48, 158
 Covenant, 293, 306, 308, 311-313
 disarmament program and activity of, 74, 301, 310-312, 325
 failure of, 103
 Germany and, 129, 158, 183
 Italy, 130, 184
 Japanese relations, 293, 295
 Manchuria, 49
 mandates, 43, 72, 322
 Russia in 237-238
 Secretariat, 308
 structure of, 306-309
 UNO comparison, 320

- Lebanon, 72, 100
Lebensraum, Nazi concept, 165, 184
 Left, parties of, French, 64-65, 98-99
 Italy, 108, 142-143
 Weimar Germany, 156
 Lend-lease, 54-55, 148, 239
 Lenin, Nikolai, 196-200, 219
 Communist Party, 210
 principles of, 199-200, 211-212
 and Stalin, 218
 Third International, 218
 Liberal Party, Bonomi Italy, 143-144
 Great Britain, 19, 28-29, 52
 Liberal Reconstruction Party, Italy, 133, 137
 Liberalism, Japanese, 246, 263-264, 275, 291
 Libya, 129, 131
 Lima, Peru, 305
 Lithuania, German demands, 184, 186
 Russian pact, 237
 Little Entente, 49, 74, 76
 Loans, for postwar rehabilitation, 328
 United States to Britain, 54
 Locarno Conferences, 158, 160
 Locarno Treaties, 49, 74
 London, 56, 103, 139, 149, 240, 243, 303, 326
 banking center, 39-40
 County of, 36
 Free French, 79, 89, 90, 93
 Treaty of, 1915, 107
 London Naval Conferences, 50, 275, 311
 London Naval Treaty, 1930, 295
 Long, Breckinridge, 314
 Lord Chancellor, British, 21, 32, 34-35
 Lords, House of, British, 4, 6, 14-15, 21-22,
 25, 27, 31-33
 Louis Napoleon of France, 58
 Louisiana, 34
 Louis-Philippe of France, 58, 71-72
 Ludendorff, Erich, 157
 Luxemburg, German occupation, 186-187
 Lytton, Lord, Report of, 314

 MacArthur, Gen. Douglas, 245, 264, 267, 283-
 284, 298
 MacDonald, Ramsay, 47
 Madagascar, 72
 Maginot line, France, 75
 Magistrate Courts, Italy, 120
 Magna Carta, 1215, 5
 Majority Socialist Party, Germany, 156, 158,
 162
 Malmédy, German occupation of, 187
 Manchukuo, 287, 314
 Manchuria, Chinese control of, 298
 Japanese invasion and rule of, 49, 264, 271,
 287, 294, 312-315
 Soviet Russian invasion of, 242, 297
 Mandated islands, 287, 293, 295
 Mandated territories, British, 39, 43
 Maquis, French, 101
 March Revolution of 1917, 197, 218
 March on Rome, 1922, 113
 Mariana Islands, 287, 293
 Marshall Islands, 287, 293
 Marshals and Admirals, Japanese Board of, 281
 Martinique Island, 71-72
 Marx, Karl, disciples of, 196, 244
 influence on Russia, 195-196, 201
 socialism, 197-200
 world-wide revolutionary organization, 217-218
 Marxian theory, 200-202, 211-212, 237
 Mazzini, 106
 McCoy, Frank R., 314
 Medieval era, 301-303
 Mediterranean area, Allied forces in, 46, 50, 73
 Italy's position in, 107, 109
 Meiji, Emperor of Japan, 255, 257, 259
Mein Kampf, Hitler, 160
 Memel, 184, 187
 Mensheviks, 196
 Merit system, China and Japan, 248
 Messina, Straits of, 133
 Mexico City, 305
 Middle class, Japan, 252, 254
 Middle East, 46

 Midway, Battle of, 293
 Mihailovich, Yugoslavia, 240
 Milan, Fascist origin, 108-110
 Italian Social Republic, 150
 Militarism, Nazi German, 165
 Japan, 265, 281
 Militarists, Japan, early, 288, 291
 government domination, 237, 263, 266, 268,
 271-273, 275, 283, 295
 in party politics, 263-264
 Military Staff Committee, UNO, 323
 Military Training Act, 1939, British, 45
 Ministerial Council for Defense of the Reich,
 167-168, 177
 Ministers of the Crown Act, 1937, 8
 Ministry, Badoglio Italian, 132
 Ministry, British, functions and structure of,
 3-4, 13-18, 21, 24, 36
 and King, 8, 12
 territories' control, 39
 World War II, 44-45
 Ministry, GPRF, 95
 Ministry, Italian Social Republic, 150
 Ministry, Japan, 269-270
 Ministry, Nazi German, 167
 Ministry, Third French Republic, colonies, 72
 government functions and power, 59, 62-63,
 65-67
 war cabinet, 59, 73-74, 78
 Ministry, Vichy France, 83
 Minseto family, 263
 Minsk, 196
 Missionaries, Japan, 249
 Mitsubishi family, 263
 Mitsui family, 263
 Mohammedans, India, 43
 Monarchy, British, 3-4, 8, 10
 French Bourbon, 58
 Hohenzollern, 153
 Italian, 106, 113-114
 Japanese, 262-263
 Mongolia, Russian penetrations, 235, 287
 Mongols, vs. China, 288
 Monmouth, 23
 Monroe Doctrine, 307
 Montreal, 147, 329
 Moresnet, German occupation, 187
 Morocco, French, 56, 72-73, 90
 Morrison, Herbert, 29
 Moscow, 167, 218, 237, 239
 Moscow Conference of Foreign Ministers, 138-
 139, 240, 318-319
Mouvement Républicain Populaire, 98-99
 Mukden, 287, 293
 Munich, 99
 Hitler-Ludendorff *putsch*, 157, 159
 Munich Conference, 1938, 52, 76-77, 184, 186,
 238, 316
 Municipal Corporations Act, 1835, British, 6
 Municipalities, Japan, 284-285
 Munitions, Anglo-American Control, 319
 Japanese Ministry of, 271-272
 Mussolini, Benito, collapse of, 131, 144, 148, 151
 government and party control, 113, 115, 117,
 119, 123-124, 126-128, 136
 Italian Social Republic, 138, 149
 Munich, 52
 World War II, 130, 135, 183, 314

 Nagasaki, atom bomb, 297
 Nanking, 287-288
 Naples, Kingdom of, 106
 Prince of, 136
 Napoleon I, Emperor of France, 58, 105-106,
 196, 235, 302
 Napoleon III, Emperor of France, 72
 Napoleonic law, 58, 70
 National Assembly, Third French Republic, 58-
 59, 63, 65
 Vichy France, 80
 National Commissions, Nazi German, 187-188
 National Constituent Assembly, GPRF, 57, 94-
 96, 98
 National Council, German, 173
 Vichy France, 83

- National Council of Corporations, Badoglio Italy, 132
 Fascist Italy, 124, 126, 132
 National Fascist Party, 109
 National Front, French, 97
 National Government of China, Nanking, 287
 National Liberal Party, British, 28-29
 National Liberation Movement, French, 97
 National Resistance Council, French, 101
 National Revolutionary Front, 85
 National security, 300
 National Service Act, British, 45-46
 National Socialism, German development of, 159-162
 National Socialist German Workers' Party (NSDAP), 159, 176-181
 National Socialist government, 165-176
 National Socialist Party, doctrine of, 162-165
 foreign policy, 183-188
 program of, 160-161
 structure and power, 164, 176-181
 United Nations destruction of, 193
 National Socialist Motor Corps, 178, 182
 Nationalism, economic, 327
 Italy, 108, 110
 Japan, 257, 259, 264-265, 294
 vs. peace, 306, 331
 Soviet Russia, 202, 252
 Nationalist Party, German, 156, 162
 Naval powers, checking of, 310
 Nenni, Pietro, 142, 145
 Netherlands, The, World War II, 28, 54, 186-188
 Neutrality Act, 1935, United States, 315
 Neutrals, international law on, 304
 New Caledonia, 72, 90
 New Economic Policy, Lenin, 200
 New Hebrides, British in, 44, 72
 French in, 72
 New World, 318
 New Zealand, 31, 34, 39, 41, 43, 46
 Newfoundland, 41-42, 53
 Nice, Italian demand for, 77, 148, 150
 Nicholas I, Tsar of Russia, 196
 Nicholas II, Tsar of Russia, 304
 Niger River, 72
 Nigeria, 43
 Nine-Power Treaty, 295, 312-313
 Non-aggression Treaty, Soviet Russia, 295
 Non-combatants, international law on, 304
 Norfolk County, England, 36
 Normandy, Allied invasion of, 54, 186-187
 North Africa, Allied invasion of, 54, 82, 90, 131, 179
 French, 56, 57, 79, 87
 North China, control of, 298
 North Sea, 182, 187
 Northern Ireland, government of, 9, 22-23, 31, 34, 39-42
 part of United Kingdom, 3-4, 40
 U. S. in, 46
 Northern Italy, German occupation, 188
 puppet government, 149-151
 Northern Slovenia, 187
 Norway, 186, 188
 November Revolution of 1917, 197, 199, 203, 211, 218, 235
 Oceania Island, 72
 Oder River, 54
 OGPU (see All-Union Commissariat of Internal Affairs)
 Old World, vs. New, 305, 318, 326
On Perpetual Peace, Kant, 303
 Orders-in-Council, British, 12
 Organization Bureau, Communist Party, 214
 Organizations, Inter-Allied World War I, 306
 international, 55, 316-318, 320
 Orthodox Church, Russia, 203
 Osaka, 247, 285
 Ottoman Empire, 72
 Outer Mongolia, Russo-Chinese accord, 242
 Overseas Ministry, Japan, 287
 Oxford University, 23
 Pacific area, Allies vs. Japan, 50, 54, 186, 271, 287, 291, 293, 314, 318
 Pacific Islands, 90, 293, 319
 Pacifism, British, 47
 Pact of Paris, 313-314
 Palau Island, 293
 Palermo, 135, 150
 Palestine, British mandate, 43, 46
 Panama, Congress of, 1826, 304
 Pan-American Conferences, 304-305
 Pan-American Unions, 304-305
 Pan-Germanism, Nazi concept, 165, 184
 Pan-Slavism, Soviet Russia, 239
 Paris, 57, 87, 97, 310
 World War II, 54, 70, 73, 79, 82, 94
 Parliament, British, Cabinet integration, 17, 21
 controls over, 10, 12-13, 15, 18, 25
 foreign affairs, 54-55
 judicial procedure, 34-35
 legislation, 9, 23, 24-25, 35, 38, 46, 62
 structure and powers, 3-4, 6-9, 14, 21, 23, 36, 40-42
 Parliament, French, composition and functions, 59, 61-62, 64, 67, 72
 foreign affairs, 75, 79
 wartime measures, 77
 Parliament, Italian, 108, 113, 115, 117-118
 Parliament, Japanese, 246
 Parliament Act, 1911, British, 5, 22
 Parri, Ferruccio, 145
 Partisans, Yugoslav, 240
 Party Congress, Nazi German, 177
 Patriarchate, Soviet Russia, 239
 Patriarchy, Japan, 258
 Pax Romana, 301
 Peace, international efforts toward, 53, 55, 76, 240, 242, 300-301, 304
 international problems of, 316
 Japanese menace to, 298
 1930-1940, 293, 310-320
 UNO responsibility for, 321
Peace of God, medieval church, 301
 Pearl Harbor, 284, 293, 314
 Peerage, British, 21-22, 26
 Peers, House of, Japan, 245, 260, 262, 270, 274-275
 Penn, William, 302
 People's Courts, Nazi German, 172
 Soviet Russian, 229
 Permanent Coordinating Committee, AMG Germany, 192
 Permanent Court of International Justice, 307-308
 Perry, Commodore Matthew, 252, 254, 291
 Pétain, Henri Philippe, 56, 87, 89-90, 97
 Vichy French government, 78-83
 Peter the Great, 194, 202
 Petition of Right, 1628, British, 5
 Petrograd, 197
 Philippine Islands, 288
 Philosophy, a basis for peace, 302
 Fascist Italian, 112
 Japanese political, 255-259, 261
 Karl Marx, 195-197, 199-200
 Nazi German, 163, 165
 Oriental, 246
 Piedmont, 106
 (See also Sardinia, Kingdom of)
 Pisa, 138
Plan for an Universal and Perpetual Peace, Bentham, 303
 Pola, 129, 151
 Poland, Czech territory seizure, 76
 France, 74, 77, 93
 German relations, 52, 54, 75, 176, 181, 183, 186-187, 238
 postwar settlement of, 55, 320
 Silesia and Pomerania, 190
 social conflict, 243
 Soviet relations, 187, 237, 243
 Police, Germany, 128, 150, 168, 192
 international military, 325
 Japanese, 269, 285
 Soviet Russia, 228
 Vichy France, 86

- Polish Corridor, 52, 186
 Polish Patriots, Union of, 240
 Polish people, 196
 Polish Provisional Government, 239, 240
 • Political Bureau, Soviet Communist Party, 214
 Political parties, British, 24, 27-31
 French, 57, 63-65, 78, 85, 94, 97-99
 German Weimar, 156, 176
 Italy, 122-123, 133
 Japan, 246, 260, 262-264, 273-276, 288-291
 (See also parties listed individually)
 Politics, British, 16, 18
 international, 300
 Italian under AMG, 140
 Japanese conception of, 246, 255-259, 295
 Nazi control of, 163-164
 Soviet Russia, 209
 Pomerania, 174, 190, 320
 Popular Democratic Party, French, 65, 97, 99
 Popular Front, Soviet Russia, 237
 Population, British, 23, 36, 38
 Italy, 123, 147
 Japan, 291, 294, 297
 Soviet Russia, 209, 211, 233
 Port Arthur, 242
 Posen, 154
 Potsdam Conference and Declaration, 1945, 104,
 162, 190-193, 240, 297, 318
 Prefectures, Japan, 284-285
 Premier, French, 59, 65-67
 Japan, 262, 268-270, 273, 283
 Presbyterian Church, 13, 40
 President, GPRF, 95-96
 Third French Republic, 59-61, 65, 67
 Third Reich, 155
 Soviet Russia, 220-221
 United States, 18
 Weimar Germany, 155
Presidium, Soviet Russia, 220-222, 226, 230,
 233
 Prime Minister, Badoglio Italy, 133, 136
 British, 4, 10-11, 13-15, 28, 44
 Fascist Italy, 109, 113-115, 118
 Prisoners of war, Axis, 80
 French, 80, 89, 94
 international law on, 304
 Privy Council, British, 12, 14, 16-17, 31
 Japanese, 245, 260, 266-268, 270-271, 280
 Probate, Divorce, and Admiralty, British, 32
 Production, British, 54
 Japanese, 269, 272, 284, 286, 293
 Soviet Russia, 201
 World War II, 318
Project for Perpetual Peace, de St. Pierre, 301
 Propaganda, France, 78, 87
 Japan, 289-290
 Nazi, 168
 Soviet Communist, 213, 217
 Property, private, Great Britain, 6-8, 29
 Karl Marx, 198-199
 Nazi German, 164
 Soviet Russia, 201-202, 205
 Protectorates, British, 39, 43
 Provinces, Italian, 127
 Nazi German, 174
 Provisional Civil Aviation Organization, 329-
 330
 Provisional Consultative Assembly, FCNL, 91-
 94, 96-97
 Provisional Government of the French Repub-
 lic, 56-57, 89-104
 foreign affairs, 93, 102-104, 239
 government structure, 95-97
 local government, 99-100
 occupation of Germany, 188
 transitional status, 94-95
 Prussia, 153, 162, 168, 171, 174, 246
 Puerto Rico, 34
 Purges, Nazi German, 178
 Soviet Russian, 219
 Pu Yi, Henry, 287
 Quarter Sessions, Court of, British, 32-33
 Quebec, Province of, 34
 Quebec Conference, 1944, 138, 318
 Radical-Socialist Party, France, 63-64, 97-98
 Radical Spartacist Party, Germany, 156
 Rasputin, 197
 Raw materials, 53, 319
 Reconstruction, Germany, 152, 242
 Japan, 242, 264-265
 post World War I, 306
 Soviet Russia, 242
 Reconversion, British, 19, 31
 Red Armed Forces, organization and power of,
 200-201, 207, 221, 225, 230-235
 development of, 218, 229, 230-235, 238
 Red Cross, Italian, 148
 Reform Bill, 1911, British, 22
 Reformation, The, 256
 Regional Courts, French, 70
 Nazi German, 172
 Regions, French, 86, 99
 Soviet Russia, 203, 209-210, 213, 228-229
 Reich, German Weimar, 155
 Reich Defense Commissioners and Districts,
 167, 177
Reichsrat, 155, 162
 Reichstag, under Hitler, 153, 155-158, 160-162,
 169
 Relief, emergency postwar, 320, 325-326
 international financial, 1930's, 310
 Renaissance, The, 256
 Renner, Dr., Austria, 242
 Reparations, German repudiation of, 154, 157,
 183
 World War II, 310
 Representatives, House of, Japan, 262-263, 266,
 270, 275-276, 289-290
 U. S., 23, 25, 309, 319
 Republican Fascist Party, Italy, 149-150
 Republican Federation (URD), France, 64, 97
 Republican Party, French, 58
 Republics, Soviet Russian (see Autonomous
 Republics, Constituent Republics and
 Russian Socialist Federated Soviet Re-
 public)
 Resources, Allied pooling of, 318
 development of in backward countries, 328
 Japanese, 299
 UNRRA, 325
 Réunion Island, 71-72
 Revolutions (see under own titles)
 Reynaud, Paul, 78, 89
 Rheims, German surrender, 188
 Rhine River, 54, 101, 154
 Rhineland, occupation of, 49, 74, 76, 103, 158,
 174, 184
 Rhodesia, 39, 43
 Right, parties of, France, 143, 164
 Italy, 142
 Right Wing, Weimar Germany, 156
 Rights of Man, Declaration of, French, 58
 Rio Grande River, 305
Risorgimento nationalist movement, Italy, 106
 Romagna, 108
 Roman Catholic Church, 26, 128
 Roman Empire, 105-106
 Roman law, 34, 161
 "Roman Question," 128
 Roman Republic, 194
 Rome, 108, 109, 127-128, 137, 314
 Fascist myth, 113
 World War II, 131, 133, 135, 138, 142, 150
 Rome-Berlin Axis (see Axis)
 Roosevelt, President Franklin D., 53, 91, 93,
 130, 138, 240, 297, 309, 314, 316, 318
 Rousseau, Jean Jacques, 302
 Royal Italian Government, diplomatic relations,
 138
 structure and powers, 131-149
 Royalists, French, 58
 Ruhr Basin, international control, 48, 74, 103,
 158
 "Rule of law," British, 9
 Rumania, alliances of, 74, 77, 186-187
 independence of, 52
 Soviet seizures from, 239, 243
 Russia (see Tsarist Russia, Soviet Russia)

- Russian Revolution of 1918 (*see* Bolshevik Revolution, March Revolution, 1917, November Revolution, 1917)
 Russian Social Democratic Party, 196, 209
 Russian Socialist Federated Soviet Republic, 202-203, 207-209
 Russo-Japanese War, 196, 283, 291
 Russo-Polish relations, 237, 240
- Saar Basin, 103, 154, 183
 Sahara, French, 72
 St. Helena, 43
 St. Lucia, 53
 St. Petersburg, 196
 de St. Pierre, Abbé, 301
 St. Pierre and Miquelon Islands, 71
 Saionji, Prince, 268
 Salerno, 133
 Samoan Islands, 43
 Samurai, Japan, 249, 252, 254, 259-260, 283
 San Francisco UNO Conference, 1945, 29, 55, 242, 320
 Sarawak, 43
 Sardinia, Kingdom of, 106, 113, 141, 146
 Satcho-Hito combination, Japan, 255
 Satsuma family, 251, 255
 Saudi Arabia, 329
 Savoy, House of, 106, 113-114
 Italian demand, 77
 Saxony, Prussian, 174
 Schleswig-Holstein, 154, 174
 Science, internationalizing of, 301, 329
 Scotland, 4, 13, 17, 22-23, 31-32, 40
 Second French Republic, 58
 Second International, 218
 Second Napoleonic Empire, 58
 Secret Societies, Japan, 260, 283-284
 Security Council, UNO, 103, 320-323, 325, 330-331
 Sedan, 78
 Seiyukai Party, Japan, 263
 Senate, Italy, 117-118, 150
 Third French Republic, 58, 60-61, 63
 United States, 309, 319
 Vichy France, 80, 83
 Senegal territory, French, 72
 Serbia, German occupation, 188
 Seven Weeks' War, 106
 Sforza, Carlo, 136
 Shanghai, 313
 Shantung Peninsula, 295
 Shikoku Island, 291, 298
 Shinto, ancestor worship, 248, 254
 influence of, 256-257, 265
 Shock Troops (SS), German Nazi (*see* Elite Guard)
 Shogunate, Japan, 246, 249-255
 Siberia, 47, 218
 Sicily, 54, 131, 133, 135, 141, 146
 Sigmaringen, Germany, 89
 Silesia, Poland and, 154, 174, 190, 320
 Sinclair, Sir Archibald, 30
 Sino-Japanese War, 1937, 288
 Slovakia, German occupation, 184, 187-188
 Social Catholic Party, French (*see* Popular Democratic Party, French)
 Social Democratic Party, German, 156
 Social Mass Party, Japanese, 264
 Socialism, German (*see* National Socialism)
 Italian, 108
 Japan, 259
 Marxian, 197-199
 Soviet Russia, 196-200, 205
 Socialist Party, France, 63-64, 91, 97-98
 Italy, 109, 133, 137, 142, 145
 Somaliland, British, 43
 Italian, 72, 129
 South Africa, Union of, 39, 41, 43, 44
 South Tyrol, 151
 Soviet government, executive control, 203
 judicial organization, 203, 207, 228-230
 legislation control, 203, 207, 210, 219-221
 local, 209, 226-228
 powers of, 206-209
 structure and history, 194-244
 Soviet government, theoretical basis of, 197-198
 Soviet law, 206, 221
 Soviet Russia, armed forces (*see* Red Armed Forces)
 censorship of domestic affairs, 243
 collective security, 237
 Communist Party in, 199-202, 209-210
 conferences, 240, 265, 311, 318-319
 equality, 205, 230
 establishing of, 197, 199, 203
 foreign policy, 47, 54-55, 104, 197, 235-244
 French relations, 57, 74, 76-77, 91, 93-94, 99, 102-103, 183
 German occupation zone, 152, 188-189
 German pacts, 52, 186, 238-239
 government of (*see* Soviet government)
 international affairs, 242-244, 328-329, 331
 Italian relations, 135, 138-139, 141
 Japan, 264-265, 295, 297, 299
 League of Nations, 237-238, 312
 non-Russian Russianization policy, 196
 territorial expansion, 186, 238, 299, 320, 331
 United Nations, 186, 239, 242, 321
 World War I, 202
 World War II, 47, 53, 85, 130, 179, 183, 186-188, 219, 233-234, 239-240, 318
 Soviet Union (*see* Soviet Russia)
 Soviet of Workers' Deputies, 228
 Soviets, Soviet Russian, 197, 203, 205, 210, 213, 226, 228-229
 Spanish American republics, 304
 Spanish Civil War, 50, 76, 109, 130, 184, 238, 315
 Special Tribunal for the Defense of the State, Italy, 122, 132
 Stalin, Joseph, armed forces control, 232
 biography and rise, 218-219
 Communist Party, 200, 210, 214
 foreign affairs, 238, 240
 Marx philosophy, 198, 200
 Soviet government, 203, 221-222
 Stalingrad, 186
 Standard of living, international concern, 322
 Russian, 201, 205, 217
 State of Europe, Penn, 302
 State Founding Conference, Mukden, 287
 State Planning Commission, 223-224
 States, types and patterns, 164, 174, 199, 300-303, 323
 Statute of Westminster, British, 41
 Statute of 1848, 113-114, 136
 Statutory law, British, 35
 Stimson, Henry L., 312, 314
 Storm Troopers (SA), Nazi German, 160, 162, 178-179
 Stresa Conference, 1935, 183
 Stresemann, Gustav, 74
 Sudan, Western, 72
 Sudetenland, German annexation, 52, 76, 176, 184, 187
 Suez Canal, 50
 Suffrage, British, 5, 23, 27, 60
 Hohenzollern, 153
 Italian Fascist, 114, 119
 Japan, 246, 276
 Nazi German, 169
 Soviet Russia, 221, 225
 Third French Republic, 59-60
 Sully, Duke of, 301
 Sun Goddess, Japanese descent from, 247, 256, 266
 Sun of Heaven, Japan, 283
 Superior Regional Courts, Nazi German, 172
 Supreme Allied Commander, Japan, 245, 264, 267, 281, 297-298
 Supreme Court, Japan, 277, 280
 Soviet Russia, 229
 Vichy France, 82, 85
 Supreme Court of Judicature, British, 32
 Supreme Economic Council, World War I, 306
 Supreme Soviet, Russia, 205, 219-222, 226, 229-230, 233
 Supreme War Council, Japan, 260, 281, 283
 Switzerland, 187
 Syria, French, 72, 78, 100

- T'ang Emperors, China, 248
 Tanganyika, British mandate, 43
 Tariff, 29, 327
 Tatars, 194
 de Tassigny, de Lattre, 101
 • Teh, Mongol Prince, 288
 Teheran Conference and Declaration (1943), 240-241, 318
 Tenno, Jimmu, 265
 Territories, Soviet Russia, 203, 207, 213, 228-229, 322
 Teutonic racial integration, 188
 Thailand, 288
 Third International, 217-218, 237-239
 Third Reich, Hitler proclamation of, 162
 government structure and power, 165-176
 local government, 173-176
 non-Aryans, 163-164
 territorial expansion, 184
 (See also Germany, National Socialist government, National Socialist Party, Weimar Republic)
 Third French Republic, 1940 armistice, 79-80
 background of, 57-58
 colonial government, 72-73
 constitutional structure, 59
 executive organization, 65-68
 foreign affairs, 74-78
 German appeasement, 74-75
 judicial organization, 96
 legislative organization, 59-63, 94, 246
 local government, 70-71
 Tirana, Treaty of, 129
 Tito, Marshal, 148, 240
 Todt Organization, Germany, 182
 Togliatti, Palmiro, 137, 144
 Togo, British, 43
 French, 72
 Tokugawa, Ieyasu, 250
 Tokugawa Shogunate, 250-255, 261
 Tokyo, 251, 255, 269, 277, 285-286
 Tokyo Bay, 297
 Tongking, French, 72
 Tory Party, British, 29
 Tosa clan, 251, 255
 Totalitarianism, Fascist Italy, 110-112
 Nazi German, 161-163
 Soviet Russia, 209
 Toulon, 87
 Tours, 79
 Trade, Asiatic, 272
 British, 19, 47
 Fascist Italy, 126
 German, 164, 192
 Japan-Chinese, 246, 248-249
 Soviet Russia, 200, 207, 237
 Trade unions, British, 28
 France, 64
 Nazi German, 178
 Soviet Russia, 206, 226
 Traders to Japan, 249, 254
 Trades Union Congress, 28
 Transportation, British, 29
 German postwar, 192
 Italian, 147
 Japan, 286
 Soviet Russia, 207, 223
 Treaties, Axis revision of, 183, 315-316
 British bilateral, 50
 Japanese use of, 294
 League of Nations, 320
 Pan-American, 305
 Soviet Russia, 221, 237
 (See also treaties individually listed)
 Trento, 129, 151
 Trial by jury, 6, 246
 Tribunals, Italy, 120
 Trieste, 129, 148, 151
 Trinidad, 43, 53
 Tripartite Pact, 130, 150, 186
 Triple Alliance (1914), 130
 Trotsky, Leon, 197, 200, 219, 230
 Truce of God, medieval church, 301
 Truman, President Harry, 54, 240, 298, 331
 Trusteeship Council UNO, 320, 321, 322
 Tsarist Russia, early autocracy, 195-196
 foreign policy, 235, 254
 Tsars, Russian, 194, 196, 202
 Tunis, French, 72-73, 90
 Tunisia, 72, 77, 148
 Turkey, French alliance, 77
 Italian war with, 109, 129
 Soviet Russian pact, 237
 Twenty-One Demands (1915), 295
 Tyrrhenian Sea, 129
 Uganda, 43
 Ukraine, 207, 238
 Unemployment, British postwar, 47
 German, 160
 Italian, 107
 Unions, political international, 303
 trade and labor (see Trade unions and Labor unions)
 United Kingdom, definition of, 3-4
 dominion status, 41
 form of government, 9, 23, 26, 29, 31-32, 39
 German zone of occupation, 188-190
 International Bank, 321, 328
 structure and territory, 40
 World War I disruption, 47
 World War II, 44, 46, 53
 (See also Great Britain, Northern Ireland)
 United Nations, control of Japan, 245, 263-264, 267, 276, 297-299
 Declaration of, 324
 formation of, 53, 186
 French relations, 56-57, 82, 87, 101
 German occupations, 152, 157, 182, 188-193
 Italy a member of, 147
 lend lease, 54
 military government of Italy, 139-142, 148
 military power of, 294
 San Francisco Conference, 29, 55, 242, 320
 World War II, 53-54, 82, 87, 90, 93, 103, 105, 132, 138, 180, 182, 186-187, 267, 297-298
 United Nations Conference on Food and Agriculture (1943), 319, 326
 United Nations Monetary and Financial Conference (1944), 326-328
 United Nations Organization, Britain, 29, 55
 Charter of, 55, 242, 320
 economic collaboration, 325-330
 France in, 103
 scope of powers, 323
 Secretariat, 320, 323
 Soviet Russia, 239
 structure and functions, 301, 320-325
 United Nations Relief and Rehabilitation Administration (UNRRA), 147, 320, 322, 325-326
 United States, aviation, 329
 and China, 288, 295
 conferences and pacts, 240, 265, 297, 310-311, 318-319
 courts vs. French courts, 70
 French alliance, 74
 and Italy, 129, 138
 German occupation zone, 152, 188-190, 242
 GPRF, 57, 91-94, 102
 vs. Japanese expansion, 312-315
 Korea, 299
 League of Nations, 307-308
 military government of Italy, 107, 139-142
 occupation and government of Japan, 245, 264-265, 275, 281, 291, 298-299
 opening of Japan, 254
 Pan-American conferences, 304
 and Soviet Russia, 47-48, 239-240, 243, 291-294
 UNO development, 320-325
 world economy, 326-328
 World War II, 46, 53-54, 82, 93, 100-101, 130, 135, 186-187, 253, 294, 314-316, 318
 U.S.S.R. (see Soviet Russia)
 de Valera, Eamon, 41
 Vatican City, 128, 148
 Venetia, 106

- Venezia Giulia, 148
 Versailles, new German Empire, 153
 Versailles Conference, 41, 107, 294
 Versailles, Treaty of (1919), 74, 76, 130, 307-308
 British attitude toward, 47-48
 German repudiation of, 50, 75, 154, 157, 160-161, 181, 183-184
 Vichy France, armed forces, 86-87
 end of, 87-89
 foreign policy, 82, 130
 Free French opposition to, 89-90, 92, 94, 96-97, 101
 German control of, 82
 government of, 56-57, 80-89
 Vichy Government-in-Exile, 89
 Victor Emmanuel II, King of Italy, 106
 Victor Emmanuel III, King of Italy, 113, 136
 Victoria, Queen of England, 11
 Vienna, 159, 183, 188
 Congress of, 303
 von Bismarck, Otto, 153
 von Hindenburg, Paul, 159-162, 181
 Vosges River, 101
- Wales, 4, 22-23, 31, 40
 Wang Ching-wei, 287
 War, abolition of, 300
 losses a peace stimulant, 331
 total, 303
 in the thirties, 310-320
 UNO against, 323
 War Cabinet, British, 16, 19-21, 30, 44
 Wars (*see* wars listed individually)
 Washington, D. C., 299, 304-305, 320, 326
 Washington Naval Conferences and Treaties (1921-22), 49-50, 295, 311-312
 Waterloo, Battle of, 302
 Weimar Economic Council, 156
 Weimar Republic, Constitutional Assembly of, 154, 156
 end of, 75, 158-159, 162
 foreign relations, 74, 157-158
 industrialists against, 160
 new constitutional government, 155-156
 West Prussia, 154, 174
 Western Allies vs. Bolsheviks, 237
 Polish territory, 320
 World War I, 295, 306
 Western bloc, 104
 Western Europe, early Russian relations, 104, 194-196, 243
 Left swing, 98
 premiers in, 222
 United States influence, 104
 Western Hemisphere, technical problems of, 305
 Western Nations, domination of Asia, 288
 peace policy, 293
 political influence on Japan, 246, 255, 258-259, 261, 263, 276-277, 291, 295
 Weimar Assembly, 154, 159
- Western Pacific, Japanese domination, 246, 264
 Westphalia, 174
 Weygand, Maxime, 78
 Whig Party, British, 29-30
 White Russia, 238
 White Sea, 235
 William I, King of Prussia, 163
 Wilson, Woodrow, 107, 306
 World affairs, France, 102
 German influence, 152
 Japan's future in, 299
 United States in, 307, 316
 World Congress, Internationals, 218
 World Court (*see* Permanent Court of International Justice)
 World revolution, Internationals for, 218
 Karl Marx for, 199, 201, 217-218, 236-237
 Stalin, 202
 Trotsky, 200
 World security, drive for, 300, 319-320
 Japan a menace to, 298, 312
 problems of, 316
 social conflicts, 244
 UNO responsibility for, 321, 325
 World War I, 306-307, 316, 325
 effect on Germany, 154, 156-159, 161, 178-179
 France in, 72-74, 79
 Great Britain in, 11, 30, 41, 43
 international law violations, 304
 Italy, 106-107, 129, 148
 Japan, 263, 293, 295, 319
 Mussolini, 109
 Russia, 197, 237
 Stalin, 218
 World War II, 98, 301, 312
 Axis start of, 53, 314
 Eire during, 40
 France in, 52-54, 73, 186-187
 Germany in, 167, 179-181, 186-187
 Great Britain in, 44-46, 52-54, 186-187
 Italy in, 53-54, 105, 114, 129-130
 Japan in, 269, 284
 Soviet Russia, 53, 202, 218, 233-234, 239-240
 United States in, 53-54, 186-187
 (*See also* under countries listed separately)
- Yalta Conference (1945), 104, 240, 318, 320
 Yedo (*see* Tokyo)
 Yen'an government (*see* Chinese Communist Government)
 Yoshihito, Emperor of Japan, 265
 Young Plan, 158
 Yugoslavia, French alliance, 76
 German invasion, 186-187
 Italian relations, 107, 129-130, 139
 Little Entente, 74
 postwar settlement of, 55
 Soviet Russian postwar relations, 240, 243
 Venezia Giulia, 148
- Zara, 129

